

"KSM06"

BEFORE THE HONOURABLE CANCA A J on the 28 April 2015.

IN THE LAND CLAIMS COURT OF SOUTH AFRICA
(HELD AT RANDBURG)

CASE NO: LCC 72/14

In the case of:

CHIEF PHINEAS PHIKE TSHIVHIDZO First Applicant
TSHIVHIDZO COMMUNITY Second Applicant

and

REGIONAL LAND CLAIMS COMMISSIONER, First Respondent
LIMPOPO PROVINCE

COMMISSION ON RESTITUTION OF LAND Second respondent
RIGHTS

HENDRIK NTHAMBELENI MUSEKWA Third Respondent

CHIEF TONY PETER MPHEPHU, Fourth Respondent
LIMPOPO PROVINCE

COAL OF AFRICA LIMITED Fifth Respondent

MINISTER OF RURAL DEVELOPMENT AND Sixth Respondent
LAND REFORM

DRAFT ORDER

IT IS ORDERED:

5.11

1. That the following decisions and/or actions of the first respondent and/or second respondent be reviewed and set aside:

1.1 That the land claimed by the Tshivhidzio Community (the second applicant) being the following farms (1) Masequa 714 MS/0, (2) Zwartfontein 716 MS; (3) Jazz Trust 715MS (4) Paradise 724 MS, (5) Fenton 733 MS, (6) Overwinning 713 MS, (7) Grootgeluk 711 MS (*consolidated into Welhim 835 MS*), (8) General 567 MS, (9) Plaas Windhoek 649 MS, (10) Tanga 849 MS, (11) Northwitch 735 MS (12) The Folly 734 MS, (13) Marius 732 MS (14) Thorndale (15) Clara 633 MS, (16) Mapani Kop 656 MS, (17) MTamba Vlei 654 MS, (18) Kingskloof 738 MS, (19) Kidsgrove 739 MS, (20) Davenham 740 MS, (21) Paradise 724 MS/2 (22) Kalbult 710 MS, (23) Sandilands 708MS, (24) Queensdale 707MS, (25) Qualipan 655MS, (26) Sulphur Sprongs 653MS, (27) Castle Koppies 652MS, (28) Bekaf 650MS, (29) Juliana 647MS, (30) Kleinberg 636MS, (31) Rissik 637MS, (32) Joffre 584MS, (33) Lekkerlag 580MS, (34) Oom Jan 586MS, (35) Fanie 578MS, (36) Jappie 574MS, (37) Somme 582MS, (38) Groot Indaba 581MS, (39) Buxton 575MS, (40) Burton 570MS, (41) Scott 567MS, (42) Bennie 571MS, (43) Antrobus 566MS, (44) Phanthom 640MS, (45) Wildgoose 577MS (*hereinafter collectively referred to as "the subject land"*) be recognised and accepted as falling under the ownership and/or control of and/or constituting a legitimate claim

of the third respondent and/or the third respondent's community.

- 1.2 That the third respondent be recognised and accepted as the leader and/or headman in respect of the land claim of the Tshivhidzo Community and/or the claim in respect of the subject land.
- 1.3 That the acceptance of the acceptance report to the extent that the same may be necessary in respect of the claim pertaining to the subject land, alternatively, portions thereof pertaining to the subject land.
2. That it is hereby declared that the second applicant is the legitimate claimant in the land claim in respect of the subject land claimed in terms of the covering letter and claim form which are Annexures "A1" to "A9" to the applicants' founding affidavit.
3. That it is hereby declared that the first applicant is the legitimate representative of the second applicant and more particularly in the land claim of the first applicant referred to in paragraph 2 above.
4. That the first and second respondents are ordered to recognise and accept the claim of the second applicant as a separate and distinct claim from the claims of any and all other communities and/or individuals

5/21

and/or persons.

BY ORDER

REGISTRAR OF THE LAND CLAIMS COURT
RANDBURG


REGISTRAR OF THE LAND CLAIMS COURT
RANDBURG

5/24