

IN THE HIGH COURT OF SOUTH AFRICA  
(WESTERN CAPE DIVISION CAPE TOWN)

子 "X"  
14/06/2022

Case number: 9765/2022

TUESDAY, 14 JUNE 2022

BEFORE THE HONOURABLE ACTING JUSTICE VAN ZYL

In the matter between:

**BARDALE VILLAGE DEVELOPMENT (PTY) LTD**

Applicant

and

**SANDILE MBANZI**

First Respondent

**NOZUKO MANTSHINTSHANA**

Second Respondent

**TAMARA BUYISELWA BOMANE**

Third Respondent

**SIMON SISEKO PLAATJIE**

Fourth Respondent

**ALL THOSE PERSONS  
PARTICIPATING IN OR INTENDING TO TRESPASS,  
UNLAWFULLY DISRUPT AND/OR INTIMIDATE AT  
THE SPEYER AND BATLEY CONSTRUCTION SITES  
AND/OR IDENTIFYING AS MEMBERS OF THE 'IKAPALETHU'**

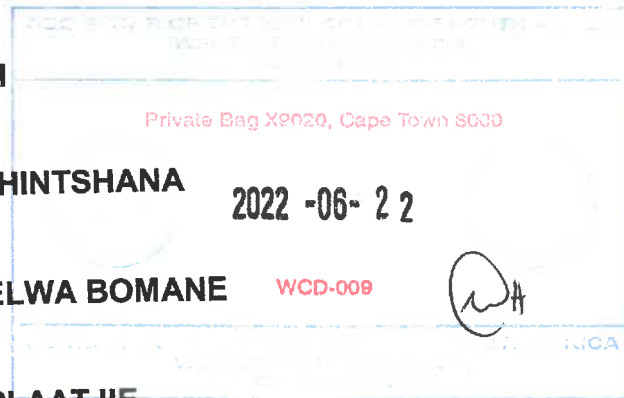
Fifth Respondent

**THE MUNICIPAL MANAGER:  
THE CITY OF CAPE TOWN**

Sixth Respondent

**STATION COMMISSIONER  
OF THE MFULENI POLICE STATION**

Seventh Respondent

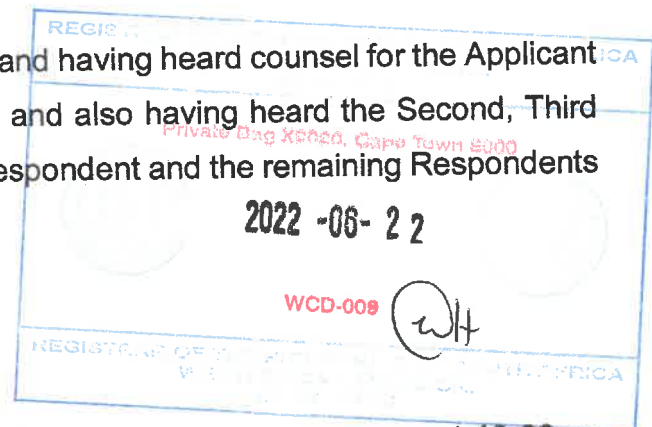


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**ORDER**

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Having read the documents filed of record, and having heard counsel for the Applicant and for the First and Fourth Respondents, and also having heard the Second, Third and Seventh Respondents (the Seventh Respondent and the remaining Respondents not opposing),

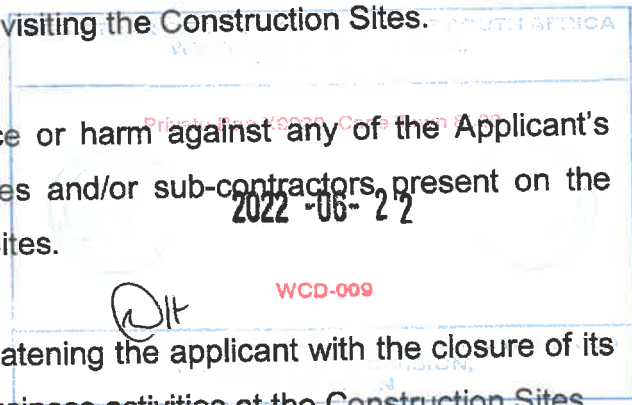


**IT IS ORDERED AS FOLLOWS:**

1. A rule *nisi* is issued calling on the Respondents to show cause at **10:00 on Monday, 7 November 2022** or as soon thereafter as the parties may be heard, why a final order should not be granted in the following terms:
  - 1.1. Interdicting and restraining the **First to Fifth Respondents** together with any of their assigns, agents and/or associates acting under their instructions from: -
    - 1.1.1. unlawfully intimidating, threatening, interrogating and/or harming in any way whatsoever, any construction workers, employees and/or sub-contractors employed by the applicant and/or their agent and any of the Applicant's service providers situated at the construction sites, namely **ERF 8293, on the corner of Speyer Street and Nooiensfontein Road**, also known as Seckenhein Drive, Blue Downs, Cape Town and on **ERF 20733, on the corner of Batley Road and Nooiensfontein Road**, Blue Downs, Cape Town ("the Construction Sites").
    - 1.1.2. unlawfully obstructing any entrances or exits to the construction site by *inter alia* locking gates, placing any obstruction of any kind in the road leading to such

construction sites or gathering outside of such gate leading to the Construction Sites.

- 1.1.3. unlawfully preventing or restricting freedom of movement of the Applicant's employees, sub-contractors and representatives or any person/s visiting the Construction Sites in any manner whatsoever.
- 1.1.4. damaging any property of the Applicant, its sub-contractors, employees and/or representatives or any other person/s visiting the Construction Sites.
- 1.1.5. inciting violence or harm against any of the Applicant's staff, employees and/or sub-contractors, present on the Construction Sites.
- 1.1.6. unlawfully threatening the applicant with the closure of its contractor's business activities at the Construction Sites.
- 1.1.7. unlawfully enticing, organising and/or mobilising any community members, staff of the applicant and/or its sub-contractors to unlawfully disrupt the construction works at the Construction Sites.
- 1.1.8. preventing any employee and/or subcontractor of the Applicant from accessing or remaining on the applicant's Construction Sites.
- 1.1.9. destroying or damaging any of the property at the Applicant's Construction Sites; and
- 1.1.10. carrying any weapons onto the Applicants Construction



Sites, including but not limited to sticks, whips, rocks and firearms.

2.2 Ordering the First to Fifth Respondents to pay the Applicant's costs of this application, jointly and severally, the one paying, the other to be absolved, on a scale as between attorney and client.

2. Paragraph 1.1 shall operate as an interim interdict against the **First to Fifth Respondents** with immediate effect, until the return day.

3. The South African Police Service are authorised to assist the Applicant, should it be necessary, with the enforcement of this interim order.

4. Any Respondent may anticipate the return date hereof on 72 hours' written notice to the Applicant's attorney of record, Mr Jonathan Williams at C&A Friedlander Incorporated, 2<sup>nd</sup> Floor, Protea Place, cnr Protea Road & Dreyer Street, Claremont, and can do so by e-mail to james@caf.co.za.

5. Such right to anticipation may be exercised until **Friday, 29 July 2022**, whereafter such right will lapse.

6. In the event that such right to anticipation has not been exercised by the date stipulated in paragraph 5, then the parties will exchange affidavits and heads of argument as follows:

6.1. The Respondents shall deliver their opposing affidavits by no later than **Friday, 2 September 2022**.

6.2. The Applicant shall deliver its replying affidavit by no later than Friday, **30 September 2022**.

6.3. The Applicant shall deliver heads of argument by no later than **Friday**,



**21 October 2022.**

6.4. The Respondents shall deliver heads of argument by no later than **Friday, 28 October 2022.**

7. Service of this order shall be effected as follows:

7.1. On the First and Fourth Respondents, by email to their attorneys.

7.2. On the Second and Third Respondents, by the Sheriff and via email.

7.3. On the Fifth Respondent, by:

7.3.1. publishing a copy thereof on the Applicant's website and Facebook page;

7.3.2. appending a copy thereof to the entrances of the Construction Sites; and

7.3.3. via email to [sethudangisa@gmail.com](mailto:sethudangisa@gmail.com).

7.4. On the Sixth and Seventh Respondents, by the Sheriff.

8. All questions of costs stand over for determination on the return date.

**BY ORDER OF THE COURT**

Private Bag 7800, Cape Town 8000

2022 -06- 22

**COURT REGISTRAR**

WCD-009

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA  
C&A FRIEDLANDER INC, Claremont  
Applicant's attorneys  
BOX 47