



KWAZULU-NATAL PROVINCE  
KWAZULU-NATAL PROVINSIE  
ISIFUNDAZWE SAKWAZULU-NATALI

**Provincial Gazette • Provinsiale Koerant • Igazethi Yesifundazwe**

**GAZETTE EXTRAORDINARY—BUITENGEWONE KOERANT—IGAZETHI EYISIPESHELI**

*(Registered at the post office as a newspaper) • (As 'n nuusblad by die poskantoor geregistreer)*  
*(Irejistiwee njengephephandaba eposihhovisi)*

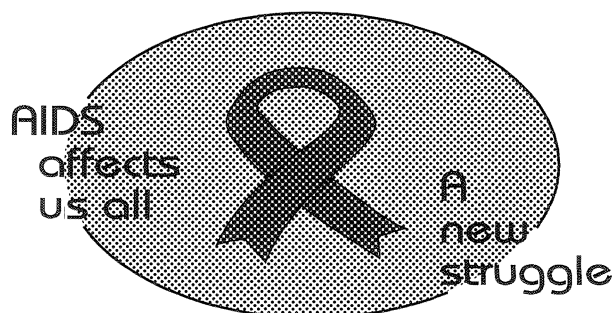
PIETERMARITZBURG,

20 MAY 2014  
20 MEI 2014  
20 KUNHLABA 2014

**Vol. 8**

**No. 1144**

**We all have the power to prevent AIDS**



**Prevention is the cure**

**AIDS  
HELPLINE**

**0800 012 322**

DEPARTMENT OF HEALTH

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## GENERAL NOTICES—IZAZISO SIKAWONKE-WONKE

No. 12

20 May 2014

### Statutory Notice No. 2716

#### Notice of Expropriation

Issued by the eThekweni Municipality

In terms of Section 9(3) of the Housing Act, 1997 (Act No. 63 of 1997)

Read with Sections 1, 6 to 15 and 18 to 23 of the Expropriation Act, 1975 (Act No. 63 of 1975) as amended  
read with Section 25(2) of the Constitution of the Republic of South Africa, 1996.

**TO: VARIOUS LAND OWNERS AS PER LIST BELOW**

**AND TO:** All other persons claiming any right to or interest in the land described in this Notice of Expropriation whether by virtue of registration or otherwise, and particularly any lessee, buyer or builder contemplated in terms of Section 9(1)(d) of the Expropriation Act, 1975.

**NOTICE** is hereby given in terms of Section 7, read with Section 5(2) of the Expropriation Act No. 63 of 1975 (the Act) that the eThekweni Municipality (the Municipality), being unable to purchase the said land on reasonable terms through negotiation with the owners of the land and having obtained the permission of the Member of the Executive Committee of the Province of KwaZulu-Natal responsible for housing matters in the province on 31 March 2014, hereby expropriates the land described hereunder under powers vested in it by Section 9(3) of the Housing Act No. 107 of 1997 (the Housing Act) and Section 5 of the Act, for public purposes, in particular for the purposes of a national housing programme as defined in Section 1 of the Housing Act.

The land being expropriated and ownership is as follows:

#### STOP 8 NAMIBIA HOUSING PROJECT

NO	REGISTERED OWNERS	PROPERTY DESCRIPTION	TITLE DEED NUMBERS	EXTENT
1	E.J. GUMEDE	PORTION 20(16) OF THE FARM PIEZANG RIVIER NO. 805	T453/1928	1011.7 SQM
2	D.B. BHULOSE	PORTION 22(OF16) OF THE FARM PIEZANG RIVIER NO. 805	T17608/1979	2028.2 SQM
3	P.C. HEDDER & G.P. HEDDER	PORTION 23(OF 16) OF THE FARM PIEZANG RIVIER NO. 805	T8749/1999	2022.6 SQM
4	N.SEME	PORTION 24(16) OF THE FARM PIEZANG RIVIER NO. 805	T5570/1950	1011.7 SQM
5	E.J. GUMEDE	PORTION 25(16) OF THE FARM PIEZANG RIVIER NO. 805	T453/1928	1011,7 SQM
6	N.J. KHUZWAYO	REM OF PORTION 18(OF 16) OF THE FARM PIEZANG RIVIER NO. 805	T15116/1986	4046.9 SQM
7	Z.K. GOBA & P. GOBA	REM OF PORTION 19 (16) OF THE FARM PIEZANG RIVIER NO. 805	T1063/1904 T12525/2004	7284.3 SQM

8	A&B LUTHULI PROP. HOLDINGS	REM OF PORTION 28(16) OF THE FARM PIEZANG RIVIER NO. 805	T22884/1991	8799 SQM
9	U CHAMPION	PORTION 245 (19) OF 16 OF THE FARM PIEZANG RIVIER NO. 805	T23569/1981	8094 SQM
10	UNREGISTERED	PORTION 262 (19) OF 16 OF THE FARM PIEZANG RIVIER NO. 805. UNDERLYNG PROPERTY IS REM OF 19 OF 16 OF THE FARM PIEZANG RIVIER NO.805		2,023 HA
11	G. GOBA	REM OF PORTION 243(OF 18) OF THE FARM PIEZANG RIVIER NO. 805	T1441/1957	8083 SQM
12	W. NGIDI	PORTION 183(OF 28) OF THE FARM PIEZANG RIVIER NO. 805	T2804/1927	4046.9 SQM
13	A& B LUTHULI PROP. HOLDINGS	PORTION 241 (28) OF 16 OF THE FARM PIEZANG RIVIER NO. 805	T22884/1991	1335,5 SQM
14	A&B LUTHULI PROP. HOLDINGS	PORTION 242 (28) OF 16 OF THE FARM PIEZANG RIVIER NO. 805	T22884/1991	2024.2 SQM
15	N. NGIDI	PORTION 106(OF76) OF THE FARM PIEZANG RIVIER NO. 805	T1867/1922	2010,7 SQM
16	C.B.NGIDI	PORTION 107(OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T1130/1953	20663 SQM
17	A. MPANZA	PORTION 151(OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T4878/1929	4855 SQM
18	S.G. GUMEDE	PORTION 153(OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T21417/1986	4008 SQM
19	A. MPANZA	PORTION 154 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T4878/1929	4032 SQM
20	A.MPANZA	PORTION 155 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T4878/1929	4828 SQM
21	A.MPANZA	PORTION 157 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T4878/1929	4434 SQM
22	R.B. NKILE	PORTION 161 (76) OF THE FARM PIEZANG RIVIER NO. 805	T12639/1975 T12641/1975	4044 SQM
23	J.G. DLAMINI	PORTION 162 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T3525/1973	4056 SQM
24	L.M. VUNDLA	PORTION 163 (OF76) OF THE FARM PIEZANG RIVIER NO. 805	T4320/1971	4056 SQM
25	A. MTHEMBU	PORTION 164(OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T18781/1970	4865 SQM
26	N BHENGU	PORTION 165(OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T3394/1929	5594 SQM
27	N. BHENGU	PORTION 166 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T3394/1929	6045 SQM
28	B. GUMEDE	PORTION 167 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T1663/1942	6905 SQM
29	E.S. PEWA & M.E. MAKATINI	PORTION 168 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T6710/1985 T6711/1985	10167 SQM
30	L.MKIZE AND W. MKIZE	PORTION 169 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T6169/1962	8498 SQM
31	M.M. MGEYANE	PORTION 170 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T15822/1976	4490 SQM
32	P.C. LUTHULI	PORTION 171(OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T8810/1975	4008 SQM
33	S.T MAGWAZA	PORTION 173 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T12649/1980	5411 SQM
34	N.J. DUBE	PORTION 174 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T12651/1980	4501 SQM
35	T BUTHELEZI	PORTION 179 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T2982/1929	4056 SQM
36	B.A. MAKHANYA	PORTION 180 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T22156/1981	4047 SQM
37	N. BHENGU	PORTION 181 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T3394/1929	4426 SQM
38	M.V. SHEMBE	PORTION 187 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T28504/2002	4008 SQM

39	J.G. SHEMBE FAMILY TRUST	PORTION 188 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T30942/1996	4007.8 SQM
40	P.P. MAKHUBU	PORTION 190(OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T14432/1974	2160 SQM
41	B.B MNGADI	PORTION 193 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T16844/1974	5411 SQM
42	N.P. LETLATSA	PORTION 194 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T38988/2001	4501 SQM
43	S,A,D,L,R,E ZUMA	PORTION 195 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T10383/1972	4501 SQM
44	E.G.B. MQWEBU	PORTION 196 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T19144/1984	4027 SQM
45	B YENI	PORTION 197 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T3598/1929	4045 SQM
46	M.B.E GUMEDE	PORTION 198 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T3348/1939	4435 SQM
47	M.B.E. GUMEDE	PORTION 199 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T3348/1939	4435 SQM
48	S.W. NKWANYANA	PORTION 200 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T1157/1964	4435 SQM
49	A&B LUTHULI PROP. HOLDINGS	PORTION 201 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T22884/1991	4456 SQM
50	M.B.E. CELE	REM OF 202 (76) OF THE FARM PIEZANG RIVIER NO. 805	T1835/1934	1.1501HA
51	I. NDLOVU	PORTION 207 (OF 79) OF THE FARM PIEZANG RIVIER NO. 805	T2803/1931	4549 SQM
52	I. NDHLOVU	PORTION 210(OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T2803/1931	4549 SQM
53	A. MPANZA	PORTION 212 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T4878/1929	12722 SQM
54	M. NKWANYANA	PORTION 213(OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T7035/1944	15099 SQM
55	D.A NGCOBO	PORTION 219(OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T29078/1981	4839 SQM
56	D.A. NGCOBO	PORTION 220(OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T29078/1981	6474 SQM
57	D.B. BHULOSE	PORTION 223 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T17608/1979	8094 SQM
58	M.J. YENI	REM OF PORTION 224 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T9508/1959	21873 SQM
59	MJADUGAL RETAILER PROPRIETARY LIMITED	PORTION 225(OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T14265/2013	4865 SQM
60	ROCKY REEF INV. CC	PORTION 227 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T21011/2011	4056 SQM
61	A. NGCOBO	PORTION 228(OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T1721/1949	4762 SQM
62	A. NGCOBO	PORTION 229 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T1721/1949	4502 SQM
63	MBAMBO PRINCESS & OTHERS	PORTION 111 (OF 77) OF THE FARM PIEZANG RIVIER NO. 805	T38935/2007	2452 SQM
64	R.A.Z NGCOBO	PORTION 112(OF 77) OF THE FARM PIEZANG RIVIER NO. 805	T10954/1985	1628.8 SQM
65	M.P.T. GUMEDE & O.M ZUNGU	REM OF 114 (77) OF THE FARM PIEZANG RIVIER NO. 805	T33921/1994 T9934/1956	2042,9 SQM
66	UNREGISTERED	PORTION 321 OF 114 OF 77 OF THE FARM PIEZANG RIVIER NO. 805( UNDERLYING PROP IS REM 114 (77) OF THE FARM PIEZANG RIVIER NO. 805		8281 SQM
67	R MADHLALA	REM OF 115 (OF 77) OF THE FARM PIEZANG RIVIER NO. 805	T31787/1988	8435 SQM
68	J.G. SHEMBE FAMILY TRUST	PORTION 117 (OF 77) OF THE FARM PIEZANG RIVIER NO. 805	T30942/1996	2079 SQM

69	M.B. LUTHULI	PORTION 160 (OF 77) OF THE FARM PIEZANG RIVIER NO. 805	T5485/1958	4059 SQM
70	B.V. NGCOBO	PORTION 231 (OF 77) OF THE FARM PIEZANG RIVIER NO. 805	T12119/1975	3638 SQM
71	P.P. MAKHUBU	PORTION 233(OF 77) OF THE FARM PIEZANG RIVIER NO. 805	T14432/1974	171 SQM
72	AFRICAN CONGREGATIONAL CHURCH	PORTION 235 (OF 77) OF THE FARM PIEZANG RIVIER NO. 805	T13200/1971	12472SQM
73	S. HLABE	PORTION 238 (OF 77) OF THE FARM PIEZANG RIVIER NO. 805	T712/1932	1373,4 SQM
74	N.J KHUZWAYO	PORTION 239(OF 77) OF THE F ARM PIEZANG RIVIER NO. 805	T3709/1979	1254,5 SQM
75	ZZ NGCOBO	PORTION 316 OF 106 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805.	T32673/1988	1.0047HA
76	C.B.NGIDI	PORTION 295 (OF 108) OF 76 OF THE FARM PIEZANG RIVIER NO. 805	T1130/1953	20577 SQM
77	S.D. NGCOBO P. NGCOBO	PORTION 317 (OF 108) OF 76 OF THE FARM PIEZANG RIVIER NO. 805	T24357/1988	10757 SQM
78	G.D MDIMA	PORTION 266 (OF 202) OF 76 OF THE FARM PIEZANG RIVIER NO. 805	T9553/1947	
79	B. CHAMPION	PORTION 255 (OF 224) OF 76 OF TE FARM PIEZANG RIVIER NO. 805	T14517/1997	1012 SQM
80	P.S. SHABANGU	PORTION 314 (OF 224) OF 76 OF THE FARM PIEZANG RIVIER NO. 805	T12840/1984	10117,1 SQM
81	Z.GOBA	PORTION 284 (OF 243) OF THE FARM PIEZANG RIVIER NO. 805	T519/1941	8096 SQM
82	Z.GOBA	PORTION 285(OF 243) OF THE FARM PIEZANG RIVIER NO. 805	T519/1941	4048 SQM
83	T.O. KHOZA	ERF 220 OF INANDA GLEBE ERF 221 OF INANDA GLEBE ERF 163 OF INANDA GLEBE	TL307/1998	2233 SQM
84	G. GOBA	PORTION 286 (OF 243) OF THE FARM PIEZANG RIVIER NO. 805	T1441/1957	4048 SQM

## PLEASE NOTE THE FOLLOWING:

- a. The date of expropriation shall be 25 April 2014 with effect from which date, where applicable, ownership of the said land will pass to the Municipality.
- b. The date upon which the Municipality will take possession of the said property shall be 25 April 2014.
- c. Where land is expropriated, with effect from the date of possession of the land by the Municipality, but not before such date, the Owner(s) will be relieved of the obligation to take care of and maintain the land and to pay taxes and other charges thereon, and will no longer be entitled to the use of and any income from the land.
- d. Where the property has been partially expropriated, at the request of the Owner(s) this notice shall be deemed to include the remainder of the property or part thereof in terms of Section 2 of the Act, provided that the Municipality is satisfied that such remainder has been rendered useless by the expropriation.

- e. The costs of the survey required and the survey itself will be borne and undertaken by the Municipality.

In terms of section 10(1) of the Expropriation Act, 1975, read with section 25(3) of the Constitution of the Republic of South Africa, 1966, the Municipality hereby offers compensation to the Owners amounts determined in terms of section 12(1) of the Expropriation Act, 1975, for the land hereby expropriated, read with section 25(3) of the Constitution of the Republic of South Africa Act, 1996, together with a sum in terms of section 12(2)(b) of the Expropriation Act, 1975.

**PAYMENT** of the compensation offered will be made in terms of section 11(1) of the Expropriation Act, 1975.

**ATTENTION** is drawn to the fact that if a lessee has a right by virtue of a lease contemplated in section 9(1)(d)(i) of the Act, in respect of the land expropriated of which the Municipality has no knowledge on the date of this Notice, the aforementioned offer of compensation may be withdrawn.

**YOUR ATTENTION** is directed to the provisions of Section 9(1) and 12, (in particular sub-sections 3(a)(ii) and (4) highlighted below) of the Act and in particular to the obligations which you must comply with under the said sections. For your convenience, the sections are reproduced here (please read Municipality where it states 'Minister' or 'State').

9. Duties of owner of property expropriated or which is to be used by State. –

- (1) An owner whose property has been expropriated in terms of this Act, shall, within sixty days from the date of notice in question, deliver or cause to be delivered to the Minister a written statement indicating-
  - (a) if any compensation was in the notice of expropriation offered for such property, whether or not he accepts that compensation and, if he does not accept it, the amount claimed by him as compensation and how much of that amount represents each of the respective amounts contemplated in section 12(1)(a)(i) and (ii) or (b) and full particulars as to how such amounts are made up;
  - (b) if no such compensation was so offered, the amount claimed as compensation by him and how much of that amount represents each of the respective amounts contemplated in section 12(1)(a)(i) and (ii) or (b) and full particulars as to how such amounts are made up;
  - (c) if the property expropriated is land and any amount is claimed in terms of paragraph (a) or (b), full particulars of all improvements thereon which, in the opinion of the owner, affect the value of such land;
  - (d) if the property being expropriated is land-
    - (i) which prior to the date of notice was leased as a whole or in part by unregistered lease, the name and address of the lessee, and accompanied by the lease or a

certified copy thereof, if it is in writing, or full particulars of the lease, if it is not in writing;

- (ii) which, prior to the date of notice, was sold by the owner, the name and address of the buyer, and accompanied by the contract of purchase and sale or a certified copy thereof;
- (iii) on which a building has been erected which is subject to a builder's lien by virtue of a written building contract, the name and address of the builder, and accompanied by the building contract or a certified copy thereof;

- (e) indicate the address to or at which you desire that further documents in connection with the expropriation may be posted or delivered.

Provided that the Minister may at his discretion extend the said period of sixty days, and that, if the owner requests the Minister in writing within thirty days as from the date of notice to extend the said period of sixty days, the Minister shall extend such period by a further sixty days.

(2) .....

(3) You are hereby requested, within sixty (60) days of the date of this notice, to -

- (a) deliver or cause to be delivered to the Municipality at the address stated hereunder the title deeds of the property hereby expropriated or, if such document is not in your possession or under your control, the name and address of the person in whose possession or under whose control it is;

12. Basis on which compensation is to be determined. –

(1) The amount of compensation to be paid in terms of this Act to an owner in respect of property expropriated in terms of this Act, or in respect of the taking, in terms of this Act, of a right to use property, shall not, subject to the provisions of subsection (2), exceed-

- (a) in the case of any property other than a right, excepting a registered right to minerals, the aggregate of-

- (i) the amount which the property would have realized if sold on the date of Notice in the open market by a willing seller to a willing buyer, and
- (ii) an amount to make good any actual financial loss caused by the expropriation; and

- (b) in the case of a right, excepting a registered right to minerals, an amount to make good any actual financial loss caused by the expropriation or the taking of the right:



- Provided that where the property expropriated is such nature that there is no open market therefor, compensation therefor may be determined-
- (aa) on the basis of the amount it would cost to replace the improvements on the property expropriated, having regard to the depreciation thereof for any reason, as determined on the date of notice; or
  - (bb) in any other suitable manner.
- (2) Notwithstanding anything to the contrary contained in this Act there shall be added to the total amount payable in accordance with subsection (1), an amount equal to –
- (a) ten per cent of such total amount, if it does not exceed R100 000; plus
  - (b) five per cent of the amount by which it exceeds R100 000, if it does not exceed R500 000; plus
  - (c) three per cent of the amount by which it exceeds R500 000, if it does not exceed R1 000 000; plus
  - (d) one per cent (but not amounting to more than R10 000) of the amount by which it exceeds R1 000 000.
- (3) (a) Interest at the standard interest rate determined in terms of section 26 (1) of the Exchequer Act, 1975 (Act No. 66 of 1975), shall, subject to the provision of subsection (4), be payable from the date on which the State takes possession of the property in question in terms of section 8 (3) or (5) on any outstanding (1): Provided that –
- (i) in a case contemplated in section 21 (4), in respect of the period calculated from the termination of thirty days from the date on which-
    - (aa) the property was so taken possession of, if prior to that date compensation for the property was offered or agreed upon; or
    - (bb) such compensation was offered or agreed upon, if after that date it was offered or agreed upon,to the date on which the dispute was settled or the doubt was resolved or the owner and the buyer or the mortgagee or the builder notified the Minister in terms of the said section 21 (4) as to the payment of the compensation money, the outstanding portion of the amount so payable shall, for the purposes of the payment of interest, be deemed not to be an outstanding amount; and
  - (ii) if the owner fails to comply with the provision of section 9 within the appropriate period referred to in the said section, the amount so payable shall during the period of such failure and for the purpose of the payment of interest be deemed not to be an outstanding amount.
- (b) Interest payable in terms of paragraph (a) shall be deemed to have been paid on the date on which the amount has been made available or posted to the owner concerned.
- (c) Any deposit, payment or utilization of any amount in terms of section 11(1), 20 (2) or 21 (1) or (4) shall be deemed to be a payment to the owner, and no interest

shall in terms of paragraph (a) be payable on any such amount as from the date on which it has been so deposited, paid or utilized.

- (4) If the owner of property which has been expropriated occupies or utilizes that property or any portion thereof, no interest shall, in respect of the period during which he so occupies or utilizes it, be paid in terms of subsection (3) on so much of the outstanding amount as, in the opinion of the Minister, relates to the property or utilized.
- (5) In determining the amount of compensation to be paid in terms of this Act, the following rules shall apply, namely –
- (a) no allowance shall be made for the fact that the property or the right to use property has been taken without the consent of the owner in question;
  - (b) the special suitability or usefulness of the property in question for the purpose for which it is required by the State, shall not be taken into account if it is unlikely that the property would have been purchased for that purpose on the open market or that the right to use the property for that purpose would have been so purchased;
  - (c) if the value of the property has been enhanced in consequence of the use thereof in a manner which is unlawful, such enhancement shall not be taken into account;
  - (d) improvements made after the date of notice on or to the property in question (except where they were necessary for the property maintenance of existing improvements or where they were necessary for the property maintenance of existing improvements or where they were undertaken in pursuance of obligations entered into before that date) shall not be taken into account;
  - (e) no allowance shall be made for any unregistered right in respect of any other property or for any indirect damage or anything done with the object of obtaining compensation therefor;
  - (f) any enhancement or depreciation, before or after the date of notice, in the value of the property in question, which may be due to the purpose for which or in connection with which the property is being expropriated or is to be used, or which is a consequent of any work or act which the State may carry out or perform or already has carried out or performed or intends to carry out or perform in connection with such purpose, shall not be taken into account;
  - (g) ....
  - (h) Account shall also be taken of -
    - (i) any benefit which will ensure to the person to be compensated from any works which the State has built or constructed or has undertaken to build or construct on behalf of such person to compensate him in whole or in part for any financial loss which he will suffer in consequence of the expropriation or, as the case may be, the taking of the right in question;
    - (ii) any benefit which will ensure to such person in consequence of the expropriation of the property or the use thereof for the purpose for which it was expropriated or, as the case may be, the right in question was taken;

- (iii) ....
- (iv) Any relevant quantity of water to which the person to be compensated is entitled or which is likely to be granted to him, in terms of the provisions of the Water Act, 1956(Act No. 54 of 1956), or any other law.
- (v) .....
- (vi) .....

COMMUNICATION with the Municipality in connection with any matter arising from or related to this Notice of Expropriation must be conducted with the Contact Person whose name is set out at the foot of this Notice and whose contact details are also set out there. Formal Notices required to be served on the Municipality must be delivered to the address provided in the Contact details at the foot of this Notice.

SIBUSISO SITHOLE  
CITY MANAGER  
ETHEKWINI MUNICIPALITY

Date: 10 April 2014

cc Registrar of Deeds  
Private Bag X9028  
PIETERMARITZBURG  
3200

**CONTACT PERSON: NJABULO MASEKO OF MASEKO MBATHA AND  
ASSOCIATES ATTORNEYS**

CONTACT DETAILS:

Physical Address: 28 Kent Road Suite Floor 2<sup>nd</sup> Floor Stamford Building Durban

Postal Address: P.O. Box 3995 Durban 4000

Telephone No: 031 309 1691/ 031 309 4813

Fax No. : 086 245 1357

e-Mail address: [info@abameli.co.za](mailto:info@abameli.co.za)

**CONTACT PERSON:     JEFFREY NAIDOO**

CONTACT DETAILS:

Physical Address:        17 Doveside Close, PHOENIX

Postal Address:         P O Box 3858, Durban 4000

Telephone No:           031 – 3112476

Fax No.:                 031 – 5054195

e-Mail address:         [Jeffrey.naidoo@durban.gov.za](mailto:Jeffrey.naidoo@durban.gov.za)

No. 12

20 kuNhlaba 2014

## Isaziso No. 2716

## Isaziso sokudliwa ngokomthetho komhlaba

Sikhishwa uMasipala waseThekwini  
 ngaphansi kweSigaba 9(3) somthetho i-Housing Act, 1997 (uMthetho No. 63 ka-1997),  
 sifundwa neZigaba 1,6 kuya ku-15 no-18 kuya ku-23 zomthetho i-Expropriation Act, 1975  
 (uMthetho No. 63 ka-1975) ufundwa neSigaba 25(2) soMthethosisekelo waseRiphabhliki  
 yaseNingizimu-Afrika, 1996

SIYA: KUBANIKAZI BALE MIHLABA EBALULELWE KULOLUHLA OLULAPHA NGEZANSI

KANYE: Nakubo bonke abanye abantu abathi bananoma yimaphi amalungelo noma amagunya kule mhlaba echazwe kulesi saziso, ngenxa yokuba babhalisile noma ngenye indlela, futhi ikakhulukazi noma yisiphi isiqashi, umthengi noma umakhi ophathekayo ngokwemibandela yeSigaba 9(1)(d) somthetho i-Expropriation Act ka-1975.

LESI yisaziso ngaphansi kweSigaba 7, sifundwa neSigaba 5(2) soMthetho i-Expropriation Act (uMthetho No. 63 ka-1975) (uMthetho) sokuthi uMasipala waseThekwini (uMasipala), ngenxa yokuthi akakwazanga ukuthenga ngentengo eyamukelekile lo mhlaba ochazwe lapha ngokuxoxisana nabanikazi bawo futhi emva kokuthi esethole imvume kaNgqongqoshe ofanele weSifundazwe saKwaZulu-Natali ophethe ezezindlu mhla ka-31 Mashu 2014, ngalokhu uyawudla lo mhlaba ochazwe lapha ngenzansi ngegunya alinikwe yiSigaba 9(3) somthetho i-Housing Act No. 107 ka-1997 kanye neSigaba 5 soMthetho, ngenjongo yokuba kusizakale umphakathi ngaphansi kohlelo lukazwelonke lokwakhela umphakathi izindlu kanjengoba kuchaziwe eSigabeni 1 soMthetho Wezezindlu.

Lo mhlaba odlwayo uchazwe kanje:

## IPHROJEKTHI YEZINDLU YASE-NAMIBIA STOP 8

NO.	UMNIKAZI	INCAZELO YOMHLABA	ITAYITELA	UBUKHULU
1	E.J. GUMEDE	PORTION 20(16) OF THE FARM PIEZANG RIVIER NO. 805	T453/1928	1011.7 SQM
2	D.B. BHULOSE	PORTION 22(OF16) OF THE FARM PIEZANG RIVIER NO. 805	T17608/1979	2028.2 SQM
3	P.C. HEDDER & G.P. HEDDER	PORTION 23(OF 16) OF THE FARM PIEZANG RIVIER NO. 805	T8749/1999	2022.6 SQM
4	N.SEME	PORTION 24(16) OF THE FARM PIEZANG RIVIER NO. 805	T5570/1950	1011.7 SQM
5	E.J. GUMEDE	PORTION 25(16) OF THE FARM PIEZANG RIVIER NO. 805	T453/1928	1011,7 SQM
6	N.J. KHUZWAYO	REM OF PORTION 18(OF 16) OF THE FARM PIEZANG RIVIER NO. 805	T15116/1986	4046.9 SQM

7	Z.K. GOBA & P. GOBA	REM OF PORTION 19 (16) OF THE FARM PIEZANG RIVIER NO. 805	T1063/1904 T12525/2004	7284.3 SQM
8	A&B LUTHULI PROP. HOLDINGS	REM OF PORTION 28(16) OF THE FARM PIEZANG RIVIER NO. 805	T22884/1991	8799 SQM
9	U CHAMPION	PORTION 245 (19) OF 16 OF THE FARM PIEZANG RIVIER NO. 805	T23569/1981	8094 SQM
10	UNREGISTERED	PORTION 262 (19) OF 16 OF THE FARM PIEZANG RIVIER NO. 805. UNDERLYING PROPERTY IS REM OF 19 OF 16 OF THE FARM PIEZANG RIVIER NO.805		2,023 HA
11	G. GOBA	REM OF PORTION 243(OF 18) OF THE FARM PIEZANG RIVIER NO. 805	T1441/1957	8083 SQM
12	W. NGIDI	PORTION 183(OF 28) OF THE FARM PIEZANG RIVIER NO. 805	T2804/1927	4046.9 SQM
13	A& B LUTHULI PROP. HOLDINGS	PORTION 241 (28) OF 16 OF THE FARM PIEZANG RIVIER NO. 805	T22884/1991	1335,5 SQM
14	A&B LUTHULI PROP. HOLDINGS	PORTION 242 (28) OF 16 OF THE FARM PIEZANG RIVIER NO. 805	T22884/1991	2024.2 SQM
15	N. NGIDI	PORTION 106(OF76) OF THE FARM PIEZANG RIVIER NO. 805	T1867/1922	2010,7 SQM
16	C.B.NGIDI	PORTION 107(OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T1130/1953	20663 SQM
17	A. MPANZA	PORTION 151(OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T4878/1929	4855 SQM
18	S.G. GUMEDE	PORTION 153(OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T21417/1986	4008 SQM
19	A. MPANZA	PORTION 154 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T4878/1929	4032 SQM
20	A.MPANZA	PORTION 155 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T4878/1929	4828 SQM
21	A.MPANZA	PORTION 157 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T4878/1929	4434 SQM
22	R.B. NKILE	PORTION 161 (76) OF THE FARM PIEZANG RIVIER NO. 805	T12639/1975 T12641/1975	4044 SQM
23	J.G. DLAMINI	PORTION 162 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T3525/1973	4056 SQM
24	L.M. VUNDLA	PORTION 163 (OF76) OF THE FARM PIEZANG RIVIER NO. 805	T4320/1971	4056 SQM
25	A. MTHEMBU	PORTION 164(OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T18781/1970	4865 SQM
26	N BHENGU	PORTION 165(OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T3394/1929	5594 SQM
27	N. BHENGU	PORTION 166 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T3394/1929	6045 SQM
28	B. GUMEDE	PORTION 167 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T1663/1942	6905 SQM
29	E.S. PEWA & M.E. MAKATINI	PORTION 168 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T6710/1985 T6711/1985	10167 SQM
30	L.MKIZE AND W. MKIZE	PORTION 169 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T6169/1962	8498 SQM
31	M.M. MGEYANE	PORTION 170 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T15822/1976	4490 SQM
32	P.C. LUTHULI	PORTION 171(OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T8810/1975	4008 SQM
33	S.T MAGWAZA	PORTION 173 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T12649/1980	5411 SQM
34	N.J. DUBE	PORTION 174 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T12651/1980	4501 SQM
35	T BUTHELEZI	PORTION 179 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T2982/1929	4056 SQM
36	B.A. MAKHANYA	PORTION 180 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T22156/1981	4047 SQM
37	N. BHENGU	PORTION 181 (OF 76) OF THE FARM PIEZANG	T3394/1929	4426 SQM

		RIVIER NO. 805		
38	M.V. SHEMBE	PORTION 187 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T28504/2002	4008 SQM
39	J.G. SHEMBE FAMILY TRUST	PORTION 188 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T30942/1996	4007.8 SQM
40	P.P. MAKHUBU	PORTION 190(OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T14432/1974	2160 SQM
41	B.B MNGADI	PORTION 193 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T16844/1974	5411 SQM
42	N.P. LETLATSA	PORTION 194 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T38988/2001	4501 SQM
43	S,A,D,L,R,E ZUMA	PORTION 195 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T10383/1972	4501 SQM
44	E.G.B. MQWEBU	PORTION 196 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T19144/1984	4027 SQM
45	B YENI	PORTION 197 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T3598/1929	4045 SQM
46	M.B.E GUMEDE	PORTION 198 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T3348/1939	4435 SQM
47	M.B.E. GUMEDE	PORTION 199 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T3348/1939	4435 SQM
48	S.W. NKWANYANA	PORTION 200 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T1157/1964	4435 SQM
49	A&B LUTHULI PROP. HOLDINGS	PORTION 201 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T22884/1991	4456 SQM
50	M.B.E. CELE	REM OF 202 (76) OF THE FARM PIEZANG RIVIER NO. 805	T1835/1934	1.1501HA
51	I. NDLOVU	PORTION 207 (OF 79) OF THE FARM PIEZANG RIVIER NO. 805	T2803/1931	4549 SQM
52	I. NDHLOVU	PORTION 210(OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T2803/1931	4549 SQM
53	A. MPANZA	PORTION 212 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T4878/1929	12722 SQM
54	M. NKWANYANA	PORTION 213(OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T7035/1944	15099 SQM
55	D.A NGCOBO	PORTION 219(OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T29078/1981	4839 SQM
56	D.A. NGCOBO	PORTION 220(OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T29078/1981	6474 SQM
57	D.B. BHULOSE	PORTION 223 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T17608/1979	8094 SQM
58	M.J. YENI	REM OF PORTION 224 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T9508/1959	21873 SQM
59	MJADUGAL RETAILER PROPRIETARY LIMITED	PORTION 225(OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T14265/2013	4865 SQM
60	ROCKY REEF INV. CC	PORTION 227 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T21011/2011	4056 SQM
61	A. NGCOBO	PORTION 228(OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T1721/1949	4762 SQM
62	A. NGCOBO	PORTION 229 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805	T1721/1949	4502 SQM
63	MBAMBO PRINCESS & OTHERS	PORTION 111 (OF 77) OF THE FARM PIEZANG RIVIER NO. 805	T38935/2007	2452 SQM
64	R.A.Z NGCOBO	PORTION 112(OF 77) OF THE F ARM PIEZANG RIVIER NO. 805	T10954/1985	1628.8 SQM
65	M.P.T. GUMEDE & O.M ZUNGU	REM OF 114 (77) OF THE FARM PIEZANG RIVIER NO. 805	T33921/1994 T9934/1956	2042,9 SQM
66	UNREGISTERED	PORTION 321 OF 114 OF 77 OF THE FARM PIEZANG RIVIER NO. 805( UNDERLYING PROP IS REM 114 (77 OF THE FARM PIEZANG RIVIER NO. 805		8281 SQM

67	R MADHLALA	REM OF 115 (OF 77) OF THE FARM PIEZANG RIVIER NO. 805	T31787/1988	8435 SQM
68	J.G. SHEMBE FAMILY TRUST	PORTION 117 (OF 77) OF THE FARM PIEZANG RIVIER NO. 805	T30942/1996	2079 SQM
69	M.B. LUTHULI	PORTION 160 (OF 77) OF THE FARM PIEZANG RIVIER NO. 805	T5485/1958	4059 SQM
70	B.V. NGCOBO	PORTION 231 (OF 77) OF THE FARM PIEZANG RIVIER NO. 805	T12119/1975	3638 SQM
71	P.P. MAKHUBU	PORTION 233(OF 77) OF THE FARM PIEZANG RIVIER NO. 805	T14432/1974	171 SQM
72	AFRICAN CONGREGATIONAL CHURCH	PORTION 235 (OF 77) OF THE FARM PIEZANG RIVIER NO. 805	T13200/1971	12472SQM
73	S. HLABE	PORTION 238 (OF 77) OF THE FARM PIEZANG RIVIER NO. 805	T712/1932	1373,4 SQM
74	N.J KHUZWAYO	PORTION 239(OF 77) OF THE F ARM PIEZANG RIVIER NO. 805	T3709/1979	1254,5 SQM
75	ZZ NGCOBO	PORTION 316 OF 106 (OF 76) OF THE FARM PIEZANG RIVIER NO. 805.	T32673/1988	1.0047HA
76	C.B.NGIDI	PORTION 295 (OF 108) OF 76 OF THE FARM PIEZANG RIVIER NO. 805	T1130/1953	20577 SQM
77	S.D. NGCOBO P. NGCOBO	PORTION 317 (OF 108) OF 76 OF THE FARM PIEZANG RIVIER NO. 805	T24357/1988	10757 SQM
78	G.D MDIMA	PORTION 266 (OF 202) OF 76 OF THE FARM PIEZANG RIVIER NO. 805	T9553/1947	
79	B. CHAMPION	PORTION 255 (OF 224) OF 76 OF TE FARM PIEZANG RIVIER NO. 805	T14517/1997	1012 SQM
80	P.S. SHABANGU	PORTION 314 (OF 224) OF 76 OF THE FARM PIEZANG RIVIER NO. 805	T12840/1984	10117,1 SQM
81	Z.GOBA	PORTION 284 (OF 243) OF THE FARM PIEZANG RIVIER NO. 805	T519/1941	8096 SQM
82	Z.GOBA	PORTION 285(OF 243) OF THE FARM PIEZANG RIVIER NO. 805	T519/1941	4048 SQM
83	T.O. KHOZA	ERF 220 OF INANDA GLEBE ERF 221 OF INANDA GLEBE ERF 163 OF INANDA GLEBE	TL307/1998	2233 SQM
84	G. GOBA	PORTION 286 (OF 243) OF THE FARM PIEZANG RIVIER NO. 805	T1441/1957	4048 SQM

#### NIYANXUSWA UKUBA NIQAPHELE LOKHU:

- Usuku lokudla lo mhlaba umhla ka-25 Ephreli 2014 kanti kusukela ngalolo suku ubunikazi balo mhlaba buzodlulela kuMasipala.
- Usuku uMasipala azothatha ngalo lo mhlaba oshiwo umhla ka-25 Ephreli 2014.
- Lapho kudliwa umhlaba, kusukela ngosuku ubunikazi balowo mhlaba obuthathwa ngalo nguMasipala, kodwa hhayi ngaphambi kwalolu suku, umnikazi uyokhululwa kulezo zibopho zokuba awunakekele futhi awugcine usesimweni lowo mhlaba nokuwukhokhela intela kanye nezinye izimali ezibizwayo, futhi ngeke esavunyelwa ukuwusebenzisa lo mhlaba futhi ngeke esaba namalungelo emali engeniswa yiwo.
- Lapho kudliwe ingxenye yomhlaba, ngokwesicelo somnikazi lesi saziso kuyothathwa ngokuthi sifaka nale ngxenye eseleyo yalowo mhlaba noma ingxenye yawo



ngokwesigaba 2 soMthetho, inqobo nje uma uMasipala anelisekile ngokuthi le ngxenye eseleyo ayisenamsebenzi ngenxa yalokhu kudliwa ngokomthetho kwale enye ingxenye.

- e. Izindleko zanoma yikuphi ukudatshulwa komhlaba okudingekayo ziyothwalwa nguMasipala kanti nokudatshulwa uqobo lwakho kuyokwenziwa nguMasipala.

Ngokwesigaba 10(1) soMthetho i-Expropriation Act, 1975, sifundwa nesigaba 25(3) soMthethosisekelo wezwe laseNingizimu-Afrika, 1996, uMasipala uthi uzonikeza abanikazi izinxephezelo ezinqunywe ngokwesigaba 12(1) somthetho i-Expropriation Act, 1975, sifundwa nesigaba 25(3) soMthethosisekelo wezwe laseNingizimu-Afrika, 1996, kanye nesamba ngaphansi kwesigaba 12(2)(b) somthetho i-Expropriation Act, 1975.

**UKUKHOKHWA** kwalesi sinxephezelo kuzokwenziwa ngaphansi kwesigaba 11(1) somthetho i-Expropriation Act, 1975.

**KUFANELE KUQASHELWE** ukuthi uma isiqashi sinelungelo ngenxa yesivumelwano sokuqashiselana okukhulunywe ngaso esigabeni 9(1)(d)(i) soMthetho, kulo mhlaba odliwayo uMasipala angazi lutho ngaso ngesikhathi sokukhishwa kwalesi sazi, lesi sinxephezelo uMasipala athi uzosikhokha singahoxiswa.

**QAPHELA** iSigaba 9(1) no-12, (ikakhulu izigatshana 3(a)(ii) no-(4) ezibalulwe lapha ngenzansi) zoMthetho, ikakhulu izibopho onazo ngaphansi kwalo Mthetho. Lezi zigaba ziyaphindwa lapha ngenzansi (lapho kuthi khona 'uNgqongqoshe' noma 'uHulumeni' kufanele kufundwe ngokuthi 'uMasipala').

9. Izibopho zomnikazi womhlaba odliwayo noma ozosetshenziswa nguHulumeni. –

(1) Umnikazi umhlaba wakhe odliwe ngokulawula koMthetho, kuyothi, zingakapheli izinsuku ezingu 60 kusukela osukwini okuphume ngalo lesi sazi, athumele noma enze ukuba kuthunyelwe kuNgqongqoshe isitatimende esibhaliwe esikhombisa –

- a. ukuthi esazisweni sokudliwa komhlaba kwaba khona yini isinxephezelo okwathiwa uzosinikwa ngalowo mhlaba, noma ngabe uyasamukela lesi sinxephezelo noma cha, uma engasemukeli, lesi samba esibizwa uyena njengesinxephezelo nokuthi yingxenye engakanani yalesi samba emaqondana nalezi zamba okukhulunywa ngazo ezigabeni 12(1)(a)(i) no-(ii) noma (b) neminingwane ephelele yokuthi zakheke kanjani lezo zamba;
- b. uma kungekho sinxephezelo okuthiwe uzonikwa sona, imali ayibizayo njengesinxephezelo nokuthi ingakanani kulesi samba imali eyileyo ebalulwe

- eSigabeni 12(1)(a)(i) no (ii) noma (b) kanye neminingwane ephelele yokuthi le mali ibalwe kanjani;
- c. uma okudliwa ngokomthetho kungumhlaba futhi kubizwa noma yisiphi isamba sibizwa njengokulawula kwesigatshana (a) noma (b), iminingwane ephelele ephathelene nokwakhiwe kulo mhlaba/nokulungiswa okwenziwe kuwo, ngokubona komnikazi, okunomthelela enanini lalowo mhlaba;
- d. uma okudliwa ngokomthetho kungumhlaba-
- (i) okwathi ngaphambi kosuku lwesaziso wawuqashisiwe, wona wonke noma ingxenye yawo, ngesivumelwano esingabhalisiwe, igama nekheli lesiqashi, bese lokhu kuphelezela yisivumelwano noma ikhophi yaso eqinisekisiwe, uma sibhalwe phansi, noma iminingwane ephelele yesivumelwano, uma singabhalisiwe phansi;
  - (ii) okwathi ngaphambi kosuku lwesaziso, wadayiswa ngumniniwo, igama nekheli lomthengi, liphelezela yisivumelwano sokuthengiselana noma ikhophi yaso eqinisekisiwe;
  - (iii) okwakhiwe kuwo ibhilidi elingaphansi kwesibambiso sikamakhi kuze kukhokhwe imali akweletwa yona ngaphansi kwesivumelwano sokwakha esibhalwe phansi, igama nekheli likamakhi futhi lokhu kuphelezela yisivumelwano sokwakha noma yikhophi yaso eqinisekisiwe;
  - (iv) .....
- e. ikheli lalapho umnikazi afisa ukuba ezinye izincwadi eziphathelene nokudliwa komhlaba ziposelwe, zihanjiswe noma zithunyelwe khona.

Kweyame ekuthini uNgqongqoshe ngokubona kwakhe angasengeza lesi sikhathi esishiwo esiyizinsuku ezingamashumi ayisithupha, nokuthi futhi uma umnikazi embhalela uNgqongqoshe emcela zingakapheli izinsuku ezingamashumi amathathu kusukela osukwini lokuphuma kwesaziso, ukuba uNgqongqoshe aselule lesi sikhathi esesishiwo esiyinsuku ezingamashumi ayisithupha, uNgqongqoshe uyoselula lesi sikhathi ngokwengeza ezinye izinsuku ezingamashumi ayisithupha.

(2) .....

(3) Uyanxuswa ukuba zithi zingakapheli izinsuku ezingamashumi ayisithupha (60) kusukela osukwini lwalesi saziso -

- (b) ulethe noma udale ukuba kulethwe kuMasipala, kuleli kheli elishiwo ngenzansi amatayitela obunikazi alo mhlaba odliwa nguMasipala, noma uma lawo matayitela

obunikazi engekho kuwena noma engekho ngaphansi kolawulo lwakho, ulethe igama nekheli lomuntu akuyena lamatayitela;

12. Isisekelo okuklanyelwa phezu kwaso isinxephezelo –

(1) Isinxephezelo esizokhokhelwa umnikazi ngaphansi kwalo Mthetho ngomhlaba odliwe ngaphansi kwalo Mthetho, noma ngokuthathwa kwelungelo lokusebenzisa umhlaba ngeke, ngaphansi kwemibandela yesigatshana (2) salo Mthetho, seke -

(a) maqondana nanoma yimuphi umhlaba ngaphandle kwelungelo, okungelona ilungelo lokumbiwa phansi-

(i) isamba lowo mhlaba obungadayiswa ngaso uma ubudayiswa emakethe evulekile ngokuvumelana komthengi nomdayisi ngosuku lwesaziso, kanye

(ii) nemali yokubhekela noma yikuphi ukulahlekelwa kwangempela okudalwe ukudliwa kwalowo mhlaba; kanti

(b) maqondana nelungelo, ngaphandle kwelokumbiwa phansi elibhalisiwe, isamba sokubhekela ukulahlekelwa kwangempela ngokwezimali okudalwe ukuthathwa kwalelo lungelo: Ngaphansi kombandela wokuthi lapho umhlaba odliwe owohlobo olungedayiswe emakethe evulekile, isinxephezelo singanqunywa -

(aa) ngokwesilinganiso sesamba sezindleko zokwakha kabusha izakhiwo ezikulowo mhlaba odliwayo, kube kubhekwe nokwehla kwenani lazo ngenxa yanoma yisiphi isizathu kanjengoba kunqunywe ngosuku lwesaziso sokudliwa kwalowo mhlaba; noma

(bb) nganoma iyiphi enye indlela efanele.

(2) Yize noma kungathiwani kwesinye isigaba salo Mthetho, kepha esambeni esiphelele sesinxephezelo esiyokhokhwa ngaphansi kwesigatshana (1) kuyokwengezwa imali –

(a) engamaphesenti ayishumi aleso samba sesisonke, uma singeqi ku-R100 000; kanye

(b) namaphesenti amahlanu aleso samba eyeqa ngaso ku-R100 000, uma singeqi ku-R500 000; kanye

(c) namaphesenti amathathu aleso samba eyeqa ngaso ku-R500 000, uma singeqi ku-R1 000 000; kanye

(d) nephesenti elilodwa (kodwa kungeqi ku-R10 000) laleso samba eyeqela ngaso ku-R1 000 000.

- (3) (a) Inzalo eklanywe ngokulawula kweSigaba 26(1) sika-Exchequer and Audit Act, 1975 (uMthetho 66 ka-1975), ngaphansi kwemibandela yesigatshana (4), iyokhokhwa kusukela ngosuku uMasipala athatha ngalo ubunikazi bendawo leyo ngokulawula kweSigaba 8(3) noma (5) kunoma iyiphi ingxenye esilele yesamba sesinxephezelo okumele sikhokhwe ngokwesigatshana (1): Kweyame ekuthini –
- (i) maqondana nalokhu okukhulunywa ngakho esigabeni 21(4), maqondana nesikhathi esibalwa kusukela ekupheleni kwezinsuku ezingamashumi amathathu kusukela osukwini-
- (aa) lowo mhlaba owathathwa ngalo, uma ngaphambi kwalolo suku kwavunyelwana ngesinxephezelo; noma
- (bb) leso sinxephezelo kwavunyelwana ngaso, uma emva kwalolo suku kwavunyelwana ngaso,
- kuya osukwini okwaxazululwa ngalo umbango noma ukungabaza okwaxazululwa ngalo noma umnikazi nomthengi noma umakhi wabikela uNgqongqoshe ngaphansi kweSigaba 21(4) ngokukhokhwa kwemali yesinxephezelo, ingxenye esasele okufanele ikhokhwe, ngezizathu zokubala inzalo, kuyothathwa ngokuthi akusona isamba esisakweletwa; futhi
- (ii) uma umnikazi ehluleka ukulandela izimiso zeSigaba 9 singakadluli lesi sikhathi esinqunyiwe okukhulunywa ngaso kulesi Sigaba esesishiwo, leyo mali okuyobe kumele ikhokhwe ngaleso sikhathi salokho kwehluleka futhi maqondana nokukhokhwa kwenzalo kuyothathwa ngokuthi akuyona imali engakhokhiwe edinga ukukhokhwa.
- (b) Inzalo okufanele ikhokhwe ngokwesigatshana (a) kuyothathwa ngokuthi ikhokhiwe ngosuku leyo mali eyokhishwa ngalo noma iposelwe kumnikazi.
- (c) Noma iyiphi idiphozi, inkokhelo noma ukusetshenziswa kwanoma isiphi isamba semali ngaphansi kwesigaba 11(1), 20 (2) noma 21 (1) noma (4) kuyothathwa ngokuthi yinkokhelo enikezwa umnikazi, kanti akukho nzalo ngaphansi kwesigatshana (a) okuyofanele ikhokhelwe leyo mali kusukela ngosuku ekhokhwe ngalo, efakwe ngalo ebhange noma esetshenziswe ngalo.
- (4) Uma umnikazi womhlaba odliwe ehlala noma esebenzisa lowo mhlaba noma ingxenye yawo, akukho nzalo, maqondana naleso sikhathi ahlala ngaso kulowo mhlaba noma asebenzisa ngaso lowo mhlaba, eyokhokhwa ngaphansi

kwesigatshana (3) kuleyo mali esasele, ngokubona kukaNgqongqoshe emaqondana nalowo mhlaba osetshenziswayo.

(5) Ekunqumeni isinxephezelo esizokhokhwa ngaphansi kwalo Mthetho, kuyosebenza le migomo elandelayo, –

- (a) angeke kubhekelelwe ukuthi umhlaba odliwe noma amalungelo okusebenzisa umhlaba kuthathwe ngaphandle kwemvume yomnikazi;
- (b) ukufaneleka kwalowo mhlaba noma kwaleso sakhiwo ukwenza umsebenzi uHulumeni adinga ukuwenza kusona ngeke kusetshenziswe ekubaleni isinxephezelo uma bekungelindeleke ukuba leso sakhiwo sithengelwe ukwenza lowo msebenzi emakethe evulekile noma ukuthi ilungelo lokusebenzisa lowo mhlaba usetshenziswa ngaleyo ndlela belingathengwa;
- (c) uma inani lalowo mhlaba lenyukile ngenxa yokusetshenziswa kwawo ngendlela engekho emthethweni, lokho kwenyuka kwenani kuyoshaywa indiva;
- (d) ukwakha okwenziwe emva kosuku lwalesi saziso (ngaphandle kwalapho kwakudingekile khona ukuze isakhiwo sigcinwe sisesimweni noma lapho kwenziwa ngenxa yezibopho ezenziwa ngaphansi kwalolo suku) ngeke kubalwe;
- (e) angeke abalwe amalungelo angabhalisiwe maqondana nomhlaba noma maqondana nanoma yimuphi umonakalo odaleke ngenjongo yokuthola isinxephezelo;
- (f) noma yikuphi ukwenyuka noma ukwehla enanini lomhlaba okwenzeke emva noma ngaphambi kosuku lwesaziso, okudaleke ngenxa yezinjongo zokudliwa kwawo noma ukusetshenziswa okuhlongozwayo kwawo noma okudalwe yinoma yimuphi umsebenzi noma isenzo sikaHulumeni noma umsebenzi ahlose ukuwenza kulowo mhlaba, ngeke kubalwe;
- (g) ....
- (h) Kuyophinde kubalwe -
  - (i) noma yikuphi ukusizakala okuyotholwa umuntu onxeshezelayo nganoma yimuphi umsebenzi wokwakha owenziwa uHulumeni noma ukwakha okwenziwa uHulumeni ekwenzela lowo muntu ngenjongo yokumnxephezela ngokuphelele noma ingxenye ngokulahlekelwa kwakhe ngenxa yokudliwa komhlaba wakhe noma ukuthathwa kwamalungelo akhe okusebenzisa umhlaba/isakhiwo sakhe;

- (ii) noma yisiphi isibonelelo esitholwa umuntu ngenxa yokudliwa komhlaba wakhe noma ngokusetshenziswa kwawo ngenjongo owadlelwa yona noma injongo owadlelwa yona amalungelo okuwusebenzisa;
- (iii) ....
- (iv) Noma isilinganiso esingakanani samanzi lowo muntu onxeshezelayo anelungelo lawo ngaphansi noma asethubeni lokuba nelungelo lawo ngaphansi komthetho i-Water Act, 1956 (Umthetho No. 54 ka-1956), noma nanoma yimuphi omunye umthetho.
- (v) .....
- (vi) .....

Umuntu okungaxhunyanwa naye kuMasipala maqondana nalesi saziyo yilowo igama lakhe neminingwane yakhe okubhalwe ekugcineni kwalesi saziyo. Izaziyo okudingeka ukuba zithunyelwe kuMasipala kufanele zihanjiswe kuleli kheli elisekugcineni kwalesi saziyo.

SIBUSISO SITHOLE  
IMENENJA KAMASIPALA WASETHEKWINI

Usuku: 10 Ephreli 2014

cc Registrar of Deeds  
Private Bag X9028  
PIETERMARITZBURG  
3200

**OKUNGAXHUNYANWA NAYE:** Njabulo Maseko wakwa-Maseko Mbatha and Associates  
Attorneys

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**OKUNGAXHUNYANWA NAYE:** Jeffrey Naidoo

**IMINININGWANE YOKUXHUMANA NAYE:** Jeffrey Naidoo

Ikheli lomgwaqo: 17 Doveside Close, PHOENIX

Ikheli leposi: PO Box 3858, Durban 4000

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No. 13

20 May 2014

**Statutory Notice No. 2712****Notice of Expropriation**

Issued by the eThekweni Municipality

In terms of Section 9(3) of the Housing Act, 1997 (Act No. 63 of 1997)

Read with Sections 1, 6 to 15 and 18 to 23 of the Expropriation Act, 1975 (Act No. 63 of 1975) as amended read with Section 25(2) of the Constitution of the Republic of South Africa, 1996.

**TO: VARIOUS LAND OWNERS AS PER LIST BELOW**

AND TO: All other persons claiming any right to or interest in the land described in this Notice of Expropriation whether by virtue of registration or otherwise, and particularly any lessee, buyer or builder contemplated in terms of Section 9(1)(d) of the Expropriation Act, 1975.

NOTICE is hereby given in terms of Section 7, read with Section 5(2) of the Expropriation Act No. 63 of 1975 (the Act) that the eThekweni Municipality (the Municipality), being unable to purchase the said land on reasonable terms through negotiation with the owners of the land and having obtained the permission of the Member of the Executive Committee of the Province of KwaZulu-Natal responsible for housing matters in the province on 31 March 2014, hereby expropriates the land described hereunder under powers vested in it by Section 9(3) of the Housing Act No. 107 of 1997 (the Housing Act) and Section 5 of the Act, for public purposes, in particular for the purposes of a national housing programme as defined in Section 1 of the Housing Act.

The land being expropriated and ownership is as follows:

**AMAOTI MOSCOW HOUSING PROJECT**

NO	PROPERTY DESCRIPTION	REGISTERED OWNER	TITLE DEED NUMBERS	EXTENT HECTARES
1	REM OF PORTION 20 OF THE FARM RIET RIVIER NO. 842	A.D. GOVENDER	T19063/1991	4,2742
2	REM OF PORTION 170(20) OF THE FARM RIET RIVIER NO.842	E. CEBEKHULU	T20057/1974	8,3671
3	PORTION 147 (20) OF THE FARM RIET RIVIER NO.842	F. MAZIBUKO	T13452/1969	4,2641
4	PORTION 155 (OF 20) OF THE FARM RIET RIVIER NO.842	V.J. KHUMALO	T17507/1974	6,0905
5	PORTION 171(OF20) OF THE FARM RIET RIVIER NO.842	B. Z. ZONDI	T20057/1974	8,3447
6	PORTION 164 (OF 20) OF THE FARM RIET RIVIER NO.842	G. MNGUNI	T31928/1992	4,2395
7	PORTION 176 (OF 20) OF THE FARM RIET RIVIER NO.842	B.GUMEDE	T2985/1918	8,4015
8	REM OF PORTION 495 ( OF 20) OF THE FARM RIET RIVIER NO.842	G. S BHENGU G.S. BHENGU A.M. BHENGU	T23350/1981 T24292/1993 T24292/1993	9,5168
9	PORTION 258 (OF 20) OF TE FARM RIET RIVIER NO.842	B. SITHOLE	T499/1933	4,2633



10	REM OF PORTION 186 ( OF 20) OF TE FARM RIET RIVIER NO. 842	BE BHENGU O.O BHENGU	T14764/1979	16,9425
11	PORTION 340 OF (OF 20) OF THE FARM RIET RIVIER NO.842	M. MCHUNU J. MCHUNU M. MCHUNU J. MCHUNU	T5514/1964	4,1572
12	REM OF PORTION 162 (OF 20) OF THE FARM RIET RIVIER NO.842	P.MYEZA	T3803/1940	3,9625
13	PORTION 250 (OF 20) OF THE FARM RIET RIVIER NO.842	F. MUGOMA	T3748/1931	4,2666
14	REM OF PORTION 163 (20) OF THE FARM RIET RIVIER NO.842	B.M. J THUSI	T8604/1974	3,8832
15	PORTION 205(OF 20) OF THE FARM RIET RIVIER NO.842	S. C.MCHUNU J. MCHUNU M. MCHUNU	T1967/1986 T5515/1964 T5515/1964	5,0027
16	PORTION 385 (OF 20) OF THE FARM RIET RIVIER NO.842	S.B. MCHUNU	T9622/2004	0,8043
17	PORTION 212 (OF 20) OF THE FARM RIET RIVIER NO.842	J MPUNGOSE	T4528/1959	4,2690
18	REM OF PORTION 173 (OF 20) OF THE FARM RIET RIVIER NO.842	G.S. MTETWA	T17116/1985	1,4946
19	PORTION 216 (OF 173) OF THE FARM RIET RIVIER NO.842	T. NGIBA	T2143/1929	2,0234
20	REM OF PORTION 172 (20) OF THE FARM RIET RIVIER NO.842	B. M.J.THUSI	T860/1974	3,5492
21	PORTION 235 (OF 20) OF THE FARM RIET RIVIER NO.842	D.& M. NDLELA	T6429/1963	3,8367
22	REM OF PORTION 254 (OF 20) OF THE FARM RIET RIVIER NO.842	J. W.T.J. NGIDI	T496/1935	3,9067
23	REM OF PORTION 253 (OF 20) OF THE FARM RIET RIVIER NO.842	R. A.Z. NGCOBO	T1094/1985	4,0477
24	PORTION 199 (OF 20) OF THE FARM RIET RIVIER NO. 842	J.GUMEDE	T4065/1921	4,0481
25	PORTION 338 (OF 20) OF THE FARM RIET RIVIER NO.842	M. R.NXELE	T35665/1995	4,0431
26	PORTION 213 (OF 20) OF THE FARM RIET RIVIER NO.842	M LANGENI	T4803/1949	1,6207
27	PORTION 180 (OF 20) OF THE FARM RIET RIVIER NO.842	S.ZULU	T29741934	4,1544

## PLEASE NOTE THE FOLLOWING:

- a. The date of expropriation shall be 25 April 2014 with effect from which date, where applicable, ownership of the said land will pass to the Municipality.
- b. The date upon which the Municipality will take possession of the said property shall be 25 April 2014.
- c. Where land is expropriated, with effect from the date of possession of the land by the Municipality, but not before such date, the Owner(s) will be relieved of the obligation to take care of and maintain the land and to pay taxes and other charges thereon, and will no longer be entitled to the use of and any income from the land.
- d. Where the property has been partially expropriated, at the request of the Owner(s) this notice shall be deemed to include the remainder of the property or part thereof in terms of Section 2 of the Act, provided that the Municipality is satisfied that such remainder has been rendered useless by the expropriation.
- e. The costs of the survey required and the survey itself will be borne and undertaken by the Municipality.

In terms of section 10(1) of the Expropriation Act, 1975, read with section 25(3) of the Constitution of the Republic of South Africa, 1966, the Municipality hereby offers compensation to the Owners amounts determined in terms of section 12(1) of the Expropriation Act, 1975, for the land hereby expropriated, read with section 25(3) of the Constitution of the Republic of South Africa Act, 1996, together with a sum in terms of section 12(2)(b) of the Expropriation Act, 1975.

**PAYMENT** of the compensation offered will be made in terms of section 11(1) of the Expropriation Act, 1975.

**ATTENTION** is drawn to the fact that if a lessee has a right by virtue of a lease contemplated in section 9(1)(d)(i) of the Act, in respect of the land expropriated of which the Municipality has no knowledge on the date of this Notice, the aforementioned offer of compensation may be withdrawn.

**YOUR ATTENTION** is directed to the provisions of Section 9(1) and 12, (in particular sub-sections 3(a)(ii) and (4) highlighted below) of the Act and in particular to the obligations which you must comply with under the said sections. For your convenience, the sections are reproduced here (please read Municipality where it states 'Minister' or 'State').

9. Duties of owner of property expropriated or which is to be used by State. –

- (1) An owner whose property has been expropriated in terms of this Act, shall, within sixty days from the date of notice in question, deliver or cause to be delivered to the Minister a written statement indicating-
  - (a) if any compensation was in the notice of expropriation offered for such property, whether or not he accepts that compensation and, if he does not accept it, the amount claimed by him as compensation and how much of that amount represents each of the respective amounts contemplated in section 12(1)(a)(i) and (ii) or (b) and full particulars as to how such amounts are made up;
  - (b) if no such compensation was so offered, the amount claimed as compensation by him and how much of that amount represents each of the respective amounts contemplated in section 12(1)(a)(i) and (ii) or (b) and full particulars as to how such amounts are made up;
  - (c) if the property expropriated is land and any amount is claimed in terms of paragraph (a) or (b), full particulars of all improvements thereon which, in the opinion of the owner, affect the value of such land;
  - (d) if the property being expropriated is land-
    - (i) which prior to the date of notice was leased as a whole or in part by unregistered lease, the name and address of the lessee, and accompanied by the lease or a certified copy thereof, if it is in writing, or full particulars of the lease, if it is not in writing;

- (ii) which, prior to the date of notice, was sold by the owner, the name and address of the buyer, and accompanied by the contract of purchase and sale or a certified copy thereof;
  - (iii) on which a building has been erected which is subject to a builder's lien by virtue of a written building contract, the name and address of the builder, and accompanied by the building contract or a certified copy thereof;
- (e) indicate the address to or at which you desire that further documents in connection with the expropriation may be posted or delivered.

Provided that the Minister may at his discretion extend the said period of sixty days, and that, if the owner requests the Minister in writing within thirty days as from the date of notice to extend the said period of sixty days, the Minister shall extend such period by a further sixty days.

(2) .....

(3) You are hereby requested, within sixty (60) days of the date of this notice, to -

- (a) deliver or cause to be delivered to the Municipality at the address stated hereunder the title deeds of the property hereby expropriated or, if such document is not in your possession or under your control, the name and address of the person in whose possession or under whose control it is;

12. Basis on which compensation is to be determined. –

(1) The amount of compensation to be paid in terms of this Act to an owner in respect of property expropriated in terms of this Act, or in respect of the taking, in terms of this Act, of a right to use property, shall not, subject to the provisions of subsection (2), exceed-

(a) in the case of any property other than a right, excepting a registered right to minerals, the aggregate of-

- (i) the amount which the property would have realized if sold on the date of Notice in the open market by a willing seller to a willing buyer, and
- (ii) an amount to make good any actual financial loss caused by the expropriation; and

(b) in the case of a right, excepting a registered right to minerals, an amount to make good any actual financial loss caused by the expropriation or the taking of the right:

Provided that where the property expropriated is such nature that there is no open market therefor, compensation therefor may be determined-

- (aa) on the basis of the amount it would cost to replace the improvements on the property expropriated, having regard to the depreciation thereof for any reason, as determined on the date of notice; or
  - (bb) in any other suitable manner.
- (2) Notwithstanding anything to the contrary contained in this Act there shall be added to the total amount payable in accordance with subsection (1), an amount equal to –
  - (a) ten per cent of such total amount, if it does not exceed R100 000; plus
  - (b) five per cent of the amount by which it exceeds R100 000, if it does not exceed R500 000; plus
  - (c) three per cent of the amount by which it exceeds R500 000, if it does not exceed R1 000 000; plus
  - (d) one per cent (but not amounting to more than R10 000) of the amount by which it exceeds R1 000 000.
- (3)
  - (a) Interest at the standard interest rate determined in terms of section 26 (1) of the Exchequer Act, 1975 (Act No. 66 of 1975), shall, subject to the provision of subsection (4), be payable from the date on which the State takes possession of the property in question in terms of section 8 (3) or (5) on any outstanding (1):  
Provided that –
    - (i) in a case contemplated in section 21 (4), in respect of the period calculated from the termination of thirty days from the date on which-
      - (aa) the property was so taken possession of, if prior to that date compensation for the property was offered or agreed upon; or
      - (bb) such compensation was offered or agreed upon, if after that date it was offered or agreed upon,to the date on which the dispute was settled or the doubt was resolved or the owner and the buyer or the mortgagee or the builder notified the Minister in terms of the said section 21 (4) as to the payment of the compensation money, the outstanding portion of the amount so payable shall, for the purposes of the payment of interest, be deemed not to be an outstanding amount; and
    - (ii) if the owner fails to comply with the provision of section 9 within the appropriate period referred to in the said section, the amount so payable shall during the period of such failure and for the purpose of the payment of interest be deemed not to be an outstanding amount.
  - (b) Interest payable in terms of paragraph (a) shall be deemed to have been paid on the date on which the amount has been made available or posted to the owner concerned.
  - (c) Any deposit, payment or utilization of any amount in terms of section 11(1), 20 (2) or 21 (1) or (4) shall be deemed to be a payment to the owner, and no interest shall in terms of paragraph (a) be payable on any such amount as from the date on which it has been so deposited, paid or utilized.

- (4) If the owner of property which has been expropriated occupies or utilizes that property or any portion thereof, no interest shall, in respect of the period during which he so occupies or utilizes it, be paid in terms of subsection (3) on so much of the outstanding amount as, in the opinion of the Minister, relates to the property or utilized.
- (5) In determining the amount of compensation to be paid in terms of this Act, the following rules shall apply, namely –
- (a) no allowance shall be made for the fact that the property or the right to use property has been taken without the consent of the owner in question;
  - (b) the special suitability or usefulness of the property in question for the purpose for which it is required by the State, shall not be taken into account if it is unlikely that the property would have been purchased for that purpose on the open market or that the right to use the property for that purpose would have been so purchased;
  - (c) if the value of the property has been enhanced in consequence of the use thereof in a manner which is unlawful, such enhancement shall not be taken into account;
  - (d) improvements made after the date of notice on or to the property in question (except where they were necessary for the property maintenance of existing improvements or where they were necessary for the property maintenance of obligations entered into before that date) shall not be taken into account;
  - (e) no allowance shall be made for any unregistered right in respect of any other property or for any indirect damage or anything done with the object of obtaining compensation therefor;
  - (f) any enhancement or depreciation, before or after the date of notice, in the value of the property in question, which may be due to the purpose for which or in connection with which the property is being expropriated or is to be used, or which is a consequent of any work or act which the State may carry out or perform or already has carried out or performed or intends to carry out or perform in connection with such purpose, shall not be taken into account;
  - (g) ....
  - (h) Account shall also be taken of -
    - (i) any benefit which will ensure to the person to be compensated from any works which the State has built or constructed or has undertaken to build or construct on behalf of such person to compensate him in whole or in part for any financial loss which he will suffer in consequence of the expropriation or, as the case may be, the taking of the right in question;
    - (ii) any benefit which will ensure to such person in consequence of the expropriation of the property or the use thereof for the purpose for which it was expropriated or, as the case may be, the right in question was taken;
    - (iii) ....

- (iv) Any relevant quantity of water to which the person to be compensated is entitled or which is likely to be granted to him, in terms of the provisions of the Water Act, 1956(Act No. 54 of 1956), or any other law.
- (v) .....
- (vi) .....

COMMUNICATION with the Municipality in connection with any matter arising from or related to this Notice of Expropriation must be conducted with the Contact Person whose name is set out at the foot of this Notice and whose contact details are also set out there. Formal Notices required to be served on the Municipality must be delivered to the address provided in the Contact details at the foot of this Notice.

SIBUSISO SITHOLE  
CITY MANAGER  
ETHEKWINI MUNICIPALITY

Date: 10 April 2014

cc Registrar of Deeds  
Private Bag X9028  
PIETERMARITZBURG  
3200

**CONTACT PERSON: NJABULO MASEKO OF MASEKO MBATHA AND ASSOCIATES ATTORNEYS**

CONTACT DETAILS:

Physical Address: 28 Kent Road Suite Floor 2<sup>nd</sup> Floor Stamford Building Durban  
Postal Address: P.O. Box 3995 Durban 4000  
Telephone No: 031 309 1691/ 031 309 4813  
Fax No. : 086 245 1357  
e-Mail address: [info@abameli.co.za](mailto:info@abameli.co.za)

**CONTACT PERSON: JEFFREY NAIDOO**

CONTACT DETAILS:

Physical Address: 17 Doveside Close, PHOENIX  
Postal Address: P O Box 3858, Durban 4000  
Telephone No: 031 – 3112476  
Fax No.: 031 – 5054195  
e-Mail address: [Jeffrey.naidoo@durban.gov.za](mailto:Jeffrey.naidoo@durban.gov.za)

No. 13

20 kuNhlaba 2014

## Isaziso No. 2712

## Isaziso sokudliwa ngokomthetho komhlaba

Sikhishwa uMasipala waseThekwini  
ngaphansi kweSigaba 9(3) somthetho i-Housing Act, 1997 (uMthetho No. 63 ka-1997),  
sifundwa neSigaba 1,6 kuya ku-15 no-18 kuya ku-23 zomthetho i-Expropriation Act, 1975  
(uMthetho No. 63 ka-1975) ufundwa neSigaba 25(2) soMthethosisekelo waseRiphabhliki  
yaseNingizimu-Afrika, 1996

SIYA: KUBANIKAZI BALE MIHLABA EBALULELWE KULOLUHLA OLULAPHA NGEZANSI

KANYE: Nakubo bonke abanye abantu abathi bananoma yimaphi amalungelo noma amagunya kule mhlaba echazwe kulesi saziso, ngenxa yokuba babhalisile noma ngenye indlela, futhi ikakhulukazi noma yisiphi isiqashi, umthengi noma umakhi ophathekayo ngokwemibandela yeSigaba 9(1)(d) somthetho i-Expropriation Act ka-1975.

LESI yisaziso ngaphansi kweSigaba 7, sifundwa neSigaba 5(2) soMthetho i-Expropriation Act (uMthetho No. 63 ka-1975) (uMthetho) sokuthi uMasipala waseThekwini (uMasipala), ngenxa yokuthi akakwazanga ukuthenga ngentengo eyamukelekile lo mhlaba ochazwe lapha ngokuxoxisana nabanikazi bawo futhi emva kokuthi esethole imvume kaNgqongqoshe ofanele weSifundazwe saKwaZulu-Natali ophethe ezezindlu mhla ka-31 Mashi 2014, ngalokhu uyawudla lo mhlaba ochazwe lapha ngenzansi ngegunya alinikwe yiSigaba 9(3) somthetho i-Housing Act No. 107 ka-1997 kanye neSigaba 5 soMthetho, ngenjongo yokuba kusizakale umphakathi ngaphansi kohlelo lukazwelonke lokwakhela umphakathi izindlu kanjengoba kuchaziwe eSigabeni 1 soMthetho Wezezindlu.

Lo mhlaba odliwayo uchazwe kanje:

## IPHROJEKTHI YEZINDLU YASEMAWOTI- MOSCOW

NO	UKUCHAZWA KOMHLABA	UMNIKAZI	INOMBOLO YETAYITELA	UBUKHULU NGAMAHEK THARE
1	REM OF PORTION 20 OF THE FARM RIET RIVIER NO. 842	A.D. GOVENDER	T19063/1991	4,2742
2	REM OF PORTION 170(20) OF THE FARM RIET RIVIER NO.842	E. CEBEKHULU	T20057/1974	8,3671
3	PORTION 147 (20) OF THE FARM RIET RIVIER NO.842	F. MAZIBUKO	T13452/1969	4,2641
4	PORTION 155 (OF 20) OF THE FARM RIET RIVIER NO.842	V.J. KHUMALO	T17507/1974	6,0905
5	PORTION 171(OF20) OF THE FARM RIET RIVIER NO.842	B. Z. ZONDI	T20057/1974	8,3447
6	PORTION 164 (OF 20) OF THE FARM RIET RIVIER NO.842	G. MNGUNI	T31928/1992	4,2395

7	PORTION 176 (OF 20) OF THE FARM RIET RIVIER NO.842	B.GUMEDE	T2985/1918	8,4015
8	REM OF PORTION 495 ( OF 20) OF THE FARM RIET RIVIER NO.842	G. S BHENGU G.S. BHENGU A.M. BHENGU	T23350/1981 T24292/1993 T24292/1993	9,5168
9	PORTION 258 (OF 20) OF TE FARM RIET RIVIER NO.842	B. SITHOLE	T499/1933	4,2633
10	REM OF PORTION 186 ( OF 20) OF TE FARM RIET RIVIER NO. 842	BE BHENGU O.O BHENGU	T14764/1979	16,9425
11	PORTION 340 OF (OF 20) OF THE FARM RIET RIVIER NO.842	M. MCHUNU J. MCHUNU M. MCHUNU J. MCHUNU	T5514/1964	4,1572
12	REM OF PORTION 162 (OF 20) OF THE FARM RIET RIVIER NO.842	P.MYEZA	T3803/1940	3,9625
13	PORTION 250 (OF 20) OF THE FARM RIET RIVIER NO.842	F. MUGOMA	T3748/1931	4,2666
14	REM OF PORTION 163 (20) OF THE FARM RIET RIVIER NO.842	B.M. J THUSI	T8604/1974	3,8832
15	PORTION 205(OF 20) OF THE FARM RIET RIVIER NO.842	S. C.MCHUNU J. MCHUNU M. MCHUNU	T1967/1986 T5515/1964 T5515/1964	5,0027
16	PORTION 385 (OF 20) OF THE FARM RIET RIVIER NO.842	S.B. MCHUNU	T9622/2004	0,8043
17	PORTION 212 (OF 20) OF THE FARM RIET RIVIER NO.842	J MPUNGOSE	T4528/1959	4,2690
18	REM OF PORTION 173 (OF 20) OF THE FARM RIET RIVIER NO.842	G.S. MTETWA	T17116/1985	1,4946
19	PORTION 216 (OF 173) OF THE FARM RIET RIVIER NO.842	T. NGIBA	T2143/1929	2,0234
20	REM OF PORTION 172 (20) OF THE FARM RIET RIVIER NO.842	B. M.J.THUSI	T860/1974	3,5492
21	PORTION 235 (OF 20) OF THE FARM RIET RIVIER NO.842	D. & M. NDLELA	T6429/1963	3,8367
22	REM OF PORTION 254 (OF 20) OF THE FARM RIET RIVIER NO.842	J. W.T.J. NGIDI	T496/1935	3,9067
23	REM OF PORTION 253 (OF 20) OF THE FARM RIET RIVIER NO.842	R. A.Z. NGCOBO	T1094/1985	4,0477
24	PORTION 199 (OF 20) OF THE FARM RIET RIVIER NO. 842	J.GUMEDE	T4065/1921	4,0481
25	PORTION 338 (OF 20) OF THE FARM RIET RIVIER NO.842	M. R.NXELE	T35665/1995	4,0431
26	PORTION 213 (OF 20) OF THE FARM RIET RIVIER NO.842	M LANGENI	T4803/1949	1,6207
27	PORTION 180 (OF 20) OF THE FARM RIET RIVIER NO.842	S.ZULU	T2974/1934	4,1544

#### NIYANXUSWA UKUBA NIQAPHELE LOKHU:

- Usuku lokudla lo mhlaba umhla ka-25 Ephreli 2014 kanti kusukela ngalolo suku ubunikazi balo mhlaba buzodlulela kuMasipala.
- Usuku uMasipala azothatha ngalo lo mhlaba oshiwo umhla ka-25 Ephreli 2014.
- Lapho kudliwa umhlaba, kusukela ngosuku ubunikazi balowo mhlaba obuthathwa ngalo nguMasipala, kodwa hhayi ngaphambi kwalolu suku, umnikazi uyokhululwa kulezo zibopho zokuba awunakekele futhi awugcine usesimweni lowo mhlaba nokuwukhokhela intela kanye nezinye izimali ezibizwayo, futhi ngeke esavunyelwa ukuwusebenzisa lo mhlaba futhi ngeke esaba namalungelo emali engeniswa yiwo.



- d. Lapho kudliwe ingxenye yomhlaba, ngokwesicelo somnikazi lesi saziso kuyothathwa ngokuthi sifaka nale ngxenye eseleyo yalowo mhlaba noma ingxenye yawo ngokwesigaba 2 soMthetho, inqobo nje uma uMasipala anelisekile ngokuthi le ngxenye eseleyo ayisenamsebenzi ngenxa yalokhu kudliwa ngokomthetho kwale enye ingxenye.
- e. Izindleko zanoma yikuphi ukudatshulwa komhlaba okudingekayo ziyothwalwa nguMasipala kanti nokudatshulwa uqobo lwakho kuyokwenziwa nguMasipala.

Ngokwesigaba 10(1) soMthetho i-Expropriation Act, 1975, sifundwa nesigaba 25(3) soMthethosisekelo wezwe laseNingizimu-Afrika, 1996, uMasipala uthi uzonikeza abanikazi izinxephezelo ezinqunywe ngokwesigaba 12(1) somthetho i-Expropriation Act, 1975, sifundwa nesigaba 25(3) soMthethosisekelo wezwe laseNingizimu-Afrika, 1996, kanye nesamba ngaphansi kwesigaba 12(2)(b) somthetho i-Expropriation Act, 1975.

**UKUKHOKHWA** kwalesi sinxephezelo kuzokwenziwa ngaphansi kwesigaba 11(1) somthetho i-Expropriation Act, 1975.

**KUFANELE KUQASHELWE** ukuthi uma isiqashi sinelungelo ngenxa yesivumelwano sokuqashiselana okukhulunywe ngaso esigabeni 9(1)(d)(i) soMthetho, kulo mhlaba odliwayo uMasipala angazi lutho ngaso ngesikhathi sokukhishwa kwalesi saziso, lesi sinxephezelo uMasipala athi uzosikhokha singahoxiswa.

**QAPHELA** iSigaba 9(1) no-12, (ikakhulu izigatshana 3(a)(ii) no-(4) ezibalulwe lapha ngenzansi) zoMthetho, ikakhulu izibopho onazo ngaphansi kwalo Mthetho. Lezi zigaba ziyaphindwa lapha ngenzansi (lapho kuthi khona 'uNgqongqoshe' noma 'uHulumeni' kufanele kufundwe ngokuthi 'uMasipala').

9. Izibopho zomnikazi womhlaba odliwayo noma ozosetshenziswa nguHulumeni. –

(1) Umnikazi umhlaba wakhe odliwe ngokulawula koMthetho, kuyothi, zingakapheli izinsuku ezingu 60 kusukela osukwini okuphume ngalo lesi saziso, athumele noma enze ukuba kuthunyelwe kuNgqongqoshe isitatimende esibhaliwe esikhombisa –

- a. ukuthi esazisweni sokudliwa komhlaba kwaba khona yini isinxephezelo okwathiwa uzosinikwa ngalowo mhlaba, noma ngabe uyasamukela leso sinxephezelo noma cha, uma engasemukeli, leso samba esibizwa uyena njengesinxephezelo nokuthi yingxenye engakanani yaleso samba emaqondana nalezi zamba okukhulunywa ngazo ezigabeni 12(1)(a)(i) no-(ii) noma (b) neminingwane ephilele yokuthi zakheke kanjani lezo zamba;

- b. uma kungekho sinxephezelo okuthiwe uzonikwa sona, imali ayibizayo njengesinxephezelo nokuthi ingakanani kuleso samba imali eyileyo ebalulwe eSigabeni 12(1)(a)(i) no (ii) noma (b) kanye neminingwane ephelele yokuthi le mali ibalwe kanjani;
- c. uma okudliwa ngokomthetho kungumhlaba futhi kubizwa noma yisiphi isamba sibizwa njengokulawula kwesigatshana (a) noma (b), iminingwane ephelele ephathelene nokwakhiwe kulo mhlaba/nokulungiswa okwenziwe kuwo, ngokubona komnikazi, okunomthelela enanini lalowo mhlaba;
- d. uma okudliwa ngokomthetho kungumhlaba-
  - (i) okwathi ngaphambi kosuku lwesaziso wawuqashisiwe, wona wonke noma ingxenye yawo, ngesivumelwano esingabhalisiwe, igama nekheli lesiqashi, bese lokhu kuphelezela yisivumelwano noma ikhophi yaso eqinisekisiwe, uma sibhalwe phansi, noma iminingwane ephelele yesivumelwano, uma singabhalwe phansi;
  - (ii) okwathi ngaphambi kosuku lwesaziso, wadayiswa ngumniniwo, igama nekheli lomthengi, liphelezela yisivumelwano sokuthengiselana noma ikhophi yaso eqinisekisiwe;
  - (iii) okwakhiwe kuwo ibhilidi elingaphansi kwesibambiso sikamakhi kuze kukhokhwe imali akweletwa yona ngaphansi kwesivumelwano sokwakha esibhalwe phansi, igama nekheli likamakhi futhi lokhu kuphelezela yisivumelwano sokwakha noma yikhophi yaso eqinisekisiwe;
  - (iv) .....
- e. ikheli lalapho umnikazi afisa ukuba ezinye izincwadi eziphathelene nokudliwa komhlaba ziposelwe, zihanjiswa noma zithunyelwe khona.

Kweyame ekuthini uNgqongqoshe ngokubona kwakhe angasengeza lesi sikhathi esishiwo esiyizinsuku ezingamashumi ayisithupha, nokuthi futhi uma umnikazi embhalela uNgqongqoshe emcela zingakapheli izinsuku ezingamashumi amathathu kusukela osukwini lokuphuma kwesaziso, ukuba uNgqongqoshe aselule lesi sikhathi esesishiwo esiyinsuku ezingamashumi ayisithupha, uNgqongqoshe uyoselula lesi sikhathi ngokwengeza ezinye izinsuku ezingamashumi ayisithupha.

(2) .....

(3) Uyanxuswa ukuba zithi zingakapheli izinsuku ezingamashumi ayisithupha (60) kusukela osukwini lwalesi saziso -

- (b) ulethe noma udale ukuba kulethwe kuMasipala, kuleli kheli elishiwo ngenzansi amatayitela obunikazi alo mhlaba odliwa nguMasipala, noma uma lawo matayitela obunikazi engekho kuwena noma engekho ngaphansi kolawulo lwakho, ulethe igama nekheli lomuntu akuyena lamatayitela;

12. Isisekelo okuklanyelwa phezu kwaso isinxephezelo –

- (1) Isinxephezelo esizokhokhelwa umnikazi ngaphansi kwalo Mthetho ngomhlaba odliwe ngaphansi kwalo Mthetho, noma ngokuthathwa kwelungelo lokusebenzisa umhlaba ngeke, ngaphansi kwemibandela yesigatshana (2) salo Mthetho, seqe -

- (a) maqondana nanoma yimuphi umhlaba ngaphandle kwelungelo, okungelona ilungelo lokumbiwa phansi-

- (i) isamba lowo mhlaba obungadayiswa ngaso uma ubudayiswa emakethe evulekile ngokuvumelana komthengi nomdayisi ngosuku lwesaziso, kanye

- (ii) nemali yokubhekela noma yikuphi ukulahlekelwa kwangempela okudalwe ukudliwa kwalowo mhlaba; kanti

- (b) maqondana nelungelo, ngaphandle kwelokumbiwa phansi elibhalisiwe, isamba sokubhekela ukulahlekelwa kwangempela ngokwezimali okudalwe ukuthathwa kwalelo lungelo: Ngaphansi kombandela wokuthi lapho umhlaba odliwe owohlobo olungedayiswe emakethe evulekile, isinxephezelo singanqunywa -

- (aa) ngokwesilinganiso sesamba sezindleko zokwakha kabusha izakhiwo ezikulowo mhlaba odliwayo, kube kubhekwe nokwehla kwenani lazo ngenxa yanoma yisiphi isizathu kanjengoba kunqunyiwe ngosuku lwesaziso sokudliwa kwalowo mhlaba; noma

- (bb) nganoma iyiphi enye indlela efanele.

- (2) Yize noma kungathiwani kwesinye isigaba salo Mthetho, kepha esambeni esiphelele sesinxephezelo esiyokhokhwa ngaphansi kwesigatshana (1) kuyokwengezwa imali –

- (a) engamaphesenti ayishumi aleso samba sesisonke, uma singeqi ku-R100 000; kanye

- (b) namaphesenti amahlanu aleso samba eyeqa ngaso ku-R100 000, uma singeqi ku-R500 000; kanye

- (c) namaphesenti amathathu aleso samba eyeqa ngaso ku-R500 000, uma singeqi ku-R1 000 000; kanye

- (d) nephesenti elilodwa (kodwa kungeqi ku-R10 000) laleso samba eyeqela ngaso ku-R1 000 000.
- (3) (a) Inzalo eklanywe ngokulawula kweSigaba 26(1) sika-Exchequer and Audit Act, 1975 (uMthetho 66 ka-1975), ngaphansi kwemibandela yesigatshana (4), iyokhokhwa kusukela ngosuku uMasipala athatha ngalo ubunikazi bendawo leyo ngokulawula kweSigaba 8(3) noma (5) kunoma iyiphi ingxenye esilele yesamba sesinxephezelo okumele sikhokhwe ngokwesigatshana (1): Kweyame ekuthini –
  - (i) maqondana nalokhu okukhulunywa ngakho esigabeni 21(4), maqondana nesikhathi esibalwa kusukela ekupheleni kwezinsuku ezingamashumi amathathu kusukela osukwini-
    - (aa) lowo mhlaba owathathwa ngalo, uma ngaphambi kwalolo suku kwavunyelwana ngesinxephezelo; noma
    - (bb) leso sinxephezelo kwavunyelwana ngaso, uma emva kwalolo suku kwavunyelwana ngaso, kuya osukwini okwaxazululwa ngalo umbango noma ukungabaza okwaxazululwa ngalo noma umnikazi nomthengi noma umakhi wabikela uNgqongqoshe ngaphansi kweSigaba 21(4) ngokukhokhwa kwemali yesinxephezelo, ingxenye esasele okufanele ikhokhwe, ngezizathu zokubala inzalo, kuyothathwa ngokuthi akusona isamba esisakweletwa; futhi
  - (ii) uma umnikazi ehluleka ukulandela izimiso zeSigaba 9 singakadluli lesi sikhathi esinqunyiwe okukhulunywa ngaso kulesi Sigaba esesishiwo, leyo mali okuyobe kumele ikhokhwe ngaleso sikhathi salokho kwehluleka futhi maqondana nokukhokhwa kwenzalo kuyothathwa ngokuthi akuyona imali engakhokhiwe edinga ukukhokhwa.
- (b) Inzalo okufanele ikhokhwe ngokwesigatshana (a) kuyothathwa ngokuthi ikhokhiwe ngosuku leyo mali eyokhishwa ngalo noma iposelwe kumnikazi.
- (c) Noma iyiphi idiphozi, inkokhelo noma ukusetshenziswa kwanoma isiphi isamba semali ngaphansi kwesigaba 11(1), 20 (2) noma 21 (1) noma (4) kuyothathwa ngokuthi yinkokhelo enikezwa umnikazi, kanti akukho nzalo ngaphansi kwesigatshana (a) okuyofanele ikhokhelwe leyo mali kusukela ngosuku ekhokhwe ngalo, efakwe ngalo ebhange noma esetshenziswe ngalo.

- (4) Uma umnikazi womhlaba odliwe ehlala noma esebenzisa lowo mhlaba noma ingxenye yawo, akukho nzalo, maqondana naleso sikhathi ahlala ngaso kulowo mhlaba noma asebenzisa ngaso lowo mhlaba, eyokhokhwa ngaphansi kwesigatshana (3) kuleyo mali esasele, ngokubona kukaNgqongqoshe emaqondana nalowo mhlaba osetshenziswayo.
- (5) Ekunqumeni isinxephezelo esizokhokhwa ngaphansi kwalo Mthetho, kuyosebenza le migomo elandelayo, –
- (a) angeke kubhekelelwe ukuthi umhlaba odliwe noma amalungelo okusebenzisa umhlaba kuthathwe ngaphandle kwemvume yomnikazi;
  - (b) ukufaneleka kwalowo mhlaba noma kwaleso sakhiwo ukwenza umsebenzi uHulumeni adinga ukuwenza kusona ngeke kusetshenziswe ekubaleni isinxephezelo uma bekungelindeleke ukuba leso sakhiwo sithengelwe ukwenza lowo msebenzi emakethe evulekile noma ukuthi ilungelo lokusebenzisa lowo mhlaba usetshenziswa ngaleyo ndlela belingathengwa;
  - (c) uma inani lalowo mhlaba lenyukile ngenxa yokusetshenziswa kwawo ngendlela engekho emthethweni, lokho kwenyuka kwenani kuyoshaywa indiva;
  - (d) ukwakha okwenziwe emva kosuku lwalesi saziso (ngaphandle kwalapho kwakudingekile khona ukuze isakhiwo sigcinwe sisesimweni noma lapho kwenziwa ngenxa yezibopho ezenziwa ngaphansi kwalolo suku) ngeke kubalwe;
  - (e) angeke abalwe amalungelo angabhalisiwe maqondana nomhlaba noma maqondana nanoma yimuphi umonakalo odaleke ngenjongo yokuthola isinxephezelo;
  - (f) noma yikuphi ukwenyuka noma ukwehla enanini lomhlaba okwenzeke emva noma ngaphambi kosuku lwesaziso, okudaleke ngenxa yezinjongo zokudliwa kwawo noma ukusetshenziswa okuhlongozwayo kwawo noma okudalwe yinoma yimuphi umsebenzi noma isenzo sikaHulumeni noma umsebenzi ahlose ukuwenza kulowo mhlaba, ngeke kubalwe;
  - (g) ....
  - (h) Kuyophinde kubalwe -
    - (i) noma yikuphi ukusizakala okuyotholwa umuntu onxeshezelayo nganoma yimuphi umsebenzi wokwakha owenziwa uHulumeni noma ukwakha okwenziwa uHulumeni ekwenzela lowo muntu ngenjongo yokumnxephezela ngokuphelele noma ingxenye ngokulahlekelwa kwakhe ngenxa yokudliwa komhlaba wakhe

- noma ukuthathwa kwamalungelo akhe okusebenzisa umhlaba/isakhiwo sakhe;
- (ii) noma yisiphi isibonelelo esitholwa umuntu ngenxa yokudliwa komhlaba wakhe noma ngokusetshenziswa kwawo ngenjongo owadlwa yona noma injongo owadlwa yona amalungelo okuwusebenzisa;
- (iii) ....
- (iv) Noma isilinganiso esingakanani samanzi lowo muntu onxeshezelayo amelungelo lawo ngaphansi noma asethubeni lokuba nelungelo lawo ngaphansi komthetho i-Water Act, 1956 (Umthetho No. 54 ka-1956), noma nanoma yimuphi omunye umthetho.
- (v) .....
- (vi) .....

Umuntu okungaxhunyanwa naye kuMasipala maqondana nalesi saziso yilowo igama lakhe neminingwane yakhe okubhalwe ekugcineni kwalesi saziso. Izaziso okudingeka ukuba zithunyelwe kuMasipala kufanele zihanjiswa kuleli kheli elisekugcineni kwalesi saziso.

SIBUSISO SITHOLE  
IMENENJA KAMASIPALA WASETHEKWINI

Usuku: 10 Ephreli 2014

cc Registrar of Deeds  
Private Bag X9028  
PIETERMARITZBURG  
3200

**OKUNGAXHUNYANWA NAYE:** Njabulo Maseko wakwa-Maseko Mbatha and Associates  
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No. 14

20 May 2014

**Statutory Notice No. 2713****Notice of Expropriation**

Issued by the eThekweni Municipality

In terms of Section 9(3) of the Housing Act, 1997 (Act No. 63 of 1997)

Read with Sections 1, 6 to 15 and 18 to 23 of the Expropriation Act, 1975 (Act No. 63 of 1975) as amended read with Section 25(2) of the Constitution of the Republic of South Africa, 1996.

**TO: VARIOUS LAND OWNERS AS PER LIST BELOW**

**AND TO:** All other persons claiming any right to or interest in the land described in this Notice of Expropriation whether by virtue of registration or otherwise, and particularly any lessee, buyer or builder contemplated in terms of Section 9(1)(d) of the Expropriation Act, 1975.

**NOTICE** is hereby given in terms of Section 7, read with Section 5(2) of the Expropriation Act No. 63 of 1975 (the Act) that the eThekweni Municipality (the Municipality), being unable to purchase the said land on reasonable terms through negotiation with the owners of the land and having obtained the permission of the Member of the Executive Committee of the Province of KwaZulu-Natal responsible for housing matters in the province on 31 March 2014, hereby expropriates the land described hereunder under powers vested in it by Section 9(3) of the Housing Act No. 107 of 1997 (the Housing Act) and Section 5 of the Act, for public purposes, in particular for the purposes of a national housing programme as defined in Section 1 of the Housing Act.

The land being expropriated and ownership is as follows:

**COTTONLANDS HOUSING PROJECT**

	ERF	EXTENT HECTARES	OWNER	TITLE DEED NO
1	PORTION 923 (OF 643) OF THE FARM COTTONLANDS NO.1575	12,1406	SANDHIA INV CC	T9776/1995
2	PORTION 324 (OF 130) OF THE FARM COTTONLANDS NO.1575	3,6422	NARAINEN KANDASAMY MARIMITHOO GANASEN	T3627/1960 T3627/1960 T3627/1960 T3627/1960
3	PORTION 323 (OF 130) OF THE FARM COTTONLANDS NO.1575	3,6422	NARAINEN KANDASAMY MARIMUTHOO GANASEN	T3627/1960 T3627/1960 T3627/1960 T3627/1960
4	PORTION 947 (OF 644) OF THE FARM COTTONLANDS NO.1575	8,0507	R.B. BANGTU	T3793/1959
5	REM OF PORTION 322 (OF 130) OF THE FARM COTTONLANDS NO.1575	5,2609	NARAINEN KANDASAMY MARIMUTHOO GANASEN	T3627/1960 T3627/1960 T3627/1960 T3627/1960
6	PORTION 645 (OF 130) OF THE FARM COTTONLANDS NO.1575	12,1406	N.K. SOMUBI	T2802/1924
7	PORTION 1060 (OF 132) OF THE FARM COTTONLANDS NO.1575 ( UNDERLYING PROPERTY IS REM OF PORTION 132 OF THE FARM COTTONLANDS NO. 1575)	7066 SQ MTR	UNREGISTERED	T



	ERF	EXTENT HECTARES	OWNER	TITLE DEED NO
8	REM OF 132 OF THE FARM COTTONLANDS NO.1575	5,6089	KOWSILLA	T15820/1973
9	PORTION 481 (OF 135) OF THE FARM COTTONLANDS NO.1575	16,1874	HIRSUE (PTY) LTD	T17998/1974
10	PORTION 647 (OF 130) OF THE FARM COTTONLANDS NO.1575	12,1406	M.K. SOMUBI	T2804/1924
11	PORTION 648 (OF 130) OF THE FARM COTTONLANDS NO.1575	14,1640	J.N.K. TSHONJALO	T1513/19322
12	PORTION 514 (OF 135) OF THE FARM COTTONLANDS NO.1575	4,8562	OONAMALAI ESTATES (PTY) LTD	T5217/1977
13	REM OF 135 OF THE FARM COTTONLANDS NO. 1575	5,2609	MUVAD PROPERTY CC	T7933/1996
14	REM OF 649 (OF 130) OF THE FARM COTTONLANDS NO.1575	10,1172	J.NDHLOVU	T4318/1971
15	PORTION 760 (OF 131) OF THE FARM COTTONLANDS NO.1575	5,6656	C RAMPERTHAB & OTHERS	T19401/1969
16	PORTION 517 (OF 136) OF THE FARM COTTONLANDS NO.1575	8,0937	RAJKUMAR BANGTU RAM BISASUR BANGTUO RAMLUKHEN	T3794/1959
17	PORTION 941 (OF 649) OF THE FARM COTTONLANDS NO.1575	4,0469	N.M. BUDHIA	T12397/1985
18	REM OF 131 OF THE FARM COTTONLANDS NO.1575	2,6648	J.D. MOODLEY SADANANDH MEGHRAJH RAGHUBIR SEWKUMAR MOODLEY NADASEN	T1717/1998 T5749/1980 T5750/1980 T5751/1980 T602/1978
19	PORTION 1059 (OF 132) OF THE FARM COTTONLANDS NO.1575	4,8562	GAJADHUR ANGUTH RAJBALLEY SIVAPURSHAD MANNIKCHUND SIVANDEN SOMARIE	T19323/1969 T19323/1969 T19323/1969 T27758/1990 T6052/1972 T9603/1964
20	PORTION 516 (OF 136) OF THE FARM COTTONLANDS NO.1575	4,0469	RAJKUMAR 21BANGTU RAM BISASUR BANGTUO RAMLUKHEN	T7104/1944 T7104/1944 T7104/1944
21	PORTION 650 (OF 130) OF THE FARM COTTONLANDS NO.1575	6,0925	M.N.K. UMHLUTSHWA	T2807/1924
22	PORTION 970 (OF 651) OF THE FARM COTTONLANDS NO.1575 ( UNDERLYNG PROPERTY IS REM OF 651 OF THE FARM COTTONLANDS NO 1575	2,0234	UNREGISTERED	T
23	PORTION 924 (OF 652) OF THE FARM COTTONLANDS NO.1575	2,0234	H.MAHARAJ	T11252/1988
24	REM OF 651 (OF 130) OF THE FARM COTTONLANDS NO.1575	6,0923	M.N.K. UMHLUTSHWA	T2374/1930
25	REM OF 652 (OF 130) OF THE FARM COTTONLANDS NO.1575	6,0931	M.N.K. UMHLUTSHWA	T2374/1930
26	PORTION 1625 (OF 1058) OF THE FARM COTTONLANDS NO.1575	9150 SQ MTR	R. BANGTU	CRT 18633/1970
27	PORTION 515 (OF 136) OF THE FARM COTTONLANDS NO.1575	2,0234	RAJKUMAR BANGTU RAM BISASUR BANGTUO RAMLUKHEN DOOLARIA BANGTU RAM BISASUR BANGTUO RAMLUKHEN RAJKUMAR SUGRIB KRISOONDAT KALKA PERESAD SAMLALL KALKA PERSAHD JAMOAANTH	T1013/1949  T1764/1917 T664/1947 T664/1947 T664/1947 T8228/1954 T8228/1954 T8968/1963 T8969/1963
28	PORTION 520 (OF 137) OF THE FARM COTTONLANDS NO.1575	4,0469	RAJKUMAR BANGTU RAM BISASUR BANGTUO RAMLUKHEN	T1019/1949 T1019/1949 T1019/1949

	ERF	EXTENT HECTARES	OWNER	TITLE DEED NO
			DOOLARIA RAJKUMAR BANGTU RAM BISASUR BANGTUO RAMLUKHEN SUGRIB KRISOONADA KALKA PERESAD SAMLALL KALKA PERSAHD JAMOAANTH	T1764/1917 T 664/ 1947 T664/1947 T664/ 1947 T8228/1954 T8228/1954 T8968/1963 T8968/1963
29	PORTION 519 (OF 136) OF THE FARM COTTONLANDS NO.1575	4,0469	RAJKUMAR BANGTU RAM BISASUR BANGTUO RAMLUKHEN	T2538/1961 T2538/1961 T2538/1961
30	PORTION 518 (OF 136) OF THE FARM COTTONLANDS NO.1575	10,1172	H & D JUGROO	T14467/1990

PLEASE NOTE THE FOLLOWING:

- The date of expropriation shall be 25 April 2014 with effect from which date, where applicable, ownership of the said land will pass to the Municipality.
- The date upon which the Municipality will take possession of the said property shall be 25 April 2014.
- Where land is expropriated, with effect from the date of possession of the land by the Municipality, but not before such date, the Owner(s) will be relieved of the obligation to take care of and maintain the land and to pay taxes and other charges thereon, and will no longer be entitled to the use of and any income from the land.
- Where the property has been partially expropriated, at the request of the Owner(s) this notice shall be deemed to include the remainder of the property or part thereof in terms of Section 2 of the Act, provided that the Municipality is satisfied that such remainder has been rendered useless by the expropriation.
- The costs of the survey required and the survey itself will be borne and undertaken by the Municipality.

In terms of section 10(1) of the Expropriation Act, 1975, read with section 25(3) of the Constitution of the Republic of South Africa, 1966, the Municipality hereby offers compensation to the Owners amounts determined in terms of section 12(1) of the Expropriation Act, 1975, for the land hereby expropriated, read with section 25(3) of the Constitution of the Republic of South Africa Act, 1996, together with a sum in terms of section 12(2)(b) of the Expropriation Act, 1975.

**PAYMENT** of the compensation offered will be made in terms of section 11(1) of the Expropriation Act, 1975.

**ATTENTION** is drawn to the fact that if a lessee has a right by virtue of a lease contemplated in section 9(1)(d)(i) of the Act, in respect of the land expropriated of which the Municipality has no knowledge on the date of this Notice, the aforementioned offer of compensation may be withdrawn.

**YOUR ATTENTION** is directed to the provisions of Section 9(1) and 12, (in particular sub-sections 3(a)(ii) and (4) highlighted below) of the Act and in particular to the obligations which you must comply with under the said sections. For your convenience, the sections are reproduced here (please read Municipality where it states 'Minister' or 'State').

9. Duties of owner of property expropriated or which is to be used by State. –

- (1) An owner whose property has been expropriated in terms of this Act, shall, within sixty days from the date of notice in question, deliver or cause to be delivered to the Minister a written statement indicating-
  - (a) if any compensation was in the notice of expropriation offered for such property, whether or not he accepts that compensation and, if he does not accept it, the amount claimed by him as compensation and how much of that amount represents each of the respective amounts contemplated in section 12(1)(a)(i) and (ii) or (b) and full particulars as to how such amounts are made up;
  - (b) if no such compensation was so offered, the amount claimed as compensation by him and how much of that amount represents each of the respective amounts contemplated in section 12(1)(a)(i) and (ii) or (b) and full particulars as to how such amounts are made up;
  - (c) if the property expropriated is land and any amount is claimed in terms of paragraph (a) or (b), full particulars of all improvements thereon which, in the opinion of the owner, affect the value of such land;
  - (d) if the property being expropriated is land-
    - (i) which prior to the date of notice was leased as a whole or in part by unregistered lease, the name and address of the lessee, and accompanied by the lease or a certified copy thereof, if it is in writing, or full particulars of the lease, if it is not in writing;
    - (ii) which, prior to the date of notice, was sold by the owner, the name and address of the buyer, and accompanied by the contract of purchase and sale or a certified copy thereof;
    - (iii) on which a building has been erected which is subject to a builder's lien by virtue of a written building contract, the name and address of the builder, and accompanied by the building contract or a certified copy thereof;
  - (e) indicate the address to or at which you desire that further documents in connection with the expropriation may be posted or delivered.

Provided that the Minister may at his discretion extend the said period of sixty days, and that, if the owner requests the Minister in writing within thirty days as from the date of notice to extend the said period of sixty days, the Minister shall extend such period by a further sixty days.

(2) .....

(3) You are hereby requested, within sixty (60) days of the date of this notice, to -

- (a) deliver or cause to be delivered to the Municipality at the address stated hereunder the title deeds of the property hereby expropriated or, if such document is not in your possession or under your control, the name and address of the person in whose possession or under whose control it is;

12. Basis on which compensation is to be determined. –

(1) The amount of compensation to be paid in terms of this Act to an owner in respect of property expropriated in terms of this Act, or in respect of the taking, in terms of this Act, of a right to use property, shall not, subject to the provisions of subsection (2), exceed-

(a) in the case of any property other than a right, excepting a registered right to minerals, the aggregate of-

- (i) the amount which the property would have realized if sold on the date of Notice in the open market by a willing seller to a willing buyer, and
- (ii) an amount to make good any actual financial loss caused by the expropriation; and

(b) in the case of a right, excepting a registered right to minerals, an amount to make good any actual financial loss caused by the expropriation or the taking of the right:

Provided that where the property expropriated is such nature that there is no open market therefor, compensation therefor may be determined-

- (aa) on the basis of the amount it would cost to replace the improvements on the property expropriated, having regard to the depreciation thereof for any reason, as determined on the date of notice; or
- (bb) in any other suitable manner.

(2) Notwithstanding anything to the contrary contained in this Act there shall be added to the total amount payable in accordance with subsection (1), an amount equal to –

- (a) ten per cent of such total amount, if it does not exceed R100 000; plus
- (b) five per cent of the amount by which it exceeds R100 000, if it does not exceed R500 000; plus
- (c) three per cent of the amount by which it exceeds R500 000, if it does not exceed R1 000 000; plus

- (d) one per cent (but not amounting to more than R10 000) of the amount by which it exceeds R1 000 000.
- (3) (a) Interest at the standard interest rate determined in terms of section 26 (1) of the Exchequer Act, 1975 (Act No. 66 of 1975), shall, subject to the provision of subsection (4), be payable from the date on which the State takes possession of the property in question in terms of section 8 (3) or (5) on any outstanding (1):  
Provided that –
  - (i) in a case contemplated in section 21 (4), in respect of the period calculated from the termination of thirty days from the date on which-
    - (aa) the property was so taken possession of, if prior to that date compensation for the property was offered or agreed upon; or
    - (bb) such compensation was offered or agreed upon, if after that date it was offered or agreed upon,to the date on which the dispute was settled or the doubt was resolved or the owner and the buyer or the mortgagee or the builder notified the Minister in terms of the said section 21 (4) as to the payment of the compensation money, the outstanding portion of the amount so payable shall, for the purposes of the payment of interest, be deemed not to be an outstanding amount; and
  - (ii) if the owner fails to comply with the provision of section 9 within the appropriate period referred to in the said section, the amount so payable shall during the period of such failure and for the purpose of the payment of interest be deemed not to be an outstanding amount.
- (b) Interest payable in terms of paragraph (a) shall be deemed to have been paid on the date on which the amount has been made available or posted to the owner concerned.
- (c) Any deposit, payment or utilization of any amount in terms of section 11(1), 20 (2) or 21 (1) or (4) shall be deemed to be a payment to the owner, and no interest shall in terms of paragraph (a) be payable on any such amount as from the date on which it has been so deposited, paid or utilized.
- (4) If the owner of property which has been expropriated occupies or utilizes that property or any portion thereof, no interest shall, in respect of the period during which he so occupies or utilizes it, be paid in terms of subsection (3) on so much of the outstanding amount as, in the opinion of the Minister, relates to the property or utilized.
- (5) In determining the amount of compensation to be paid in terms of this Act, the following rules shall apply, namely –
  - (a) no allowance shall be made for the fact that the property or the right to use property has been taken without the consent of the owner in question;
  - (b) the special suitability or usefulness of the property in question for the purpose for which it is required by the State, shall not be taken into account if it is unlikely that the property would have been purchased for that purpose on the open

- market or that the right to use the property for that purpose would have been so purchased;
- (c) if the value of the property has been enhanced in consequence of the use thereof in a manner which is unlawful, such enhancement shall not be taken into account;
  - (d) improvements made after the date of notice on or to the property in question (except where they were necessary for the property maintenance of existing improvements or where they were necessary for the property maintenance of existing improvements or where they were undertaken in pursuance of obligations entered into before that date) shall not be taken into account;
  - (e) no allowance shall be made for any unregistered right in respect of any other property or for any indirect damage or anything done with the object of obtaining compensation therefor;
  - (f) any enhancement or depreciation, before or after the date of notice, in the value of the property in question, which may be due to the purpose for which or in connection with which the property is being expropriated or is to be used, or which is a consequent of any work or act which the State may carry out or perform or already has carried out or performed or intends to carry out or perform in connection with such purpose, shall not be taken into account;
  - (g) ....
  - (h) Account shall also be taken of -
    - (i) any benefit which will ensure to the person to be compensated from any works which the State has built or constructed or has undertaken to build or construct on behalf of such person to compensate him in whole or in part for any financial loss which he will suffer in consequence of the expropriation or, as the case may be, the taking of the right in question;
    - (ii) any benefit which will ensure to such person in consequence of the expropriation of the property or the use thereof for the purpose for which it was expropriated or, as the case may be, the right in question was taken;
    - (iii) ....
    - (iv) Any relevant quantity of water to which the person to be compensated is entitled or which is likely to be granted to him, in terms of the provisions of the Water Act, 1956(Act No. 54 of 1956), or any other law.
    - (v) .....
    - (vi) .....

COMMUNICATION with the Municipality in connection with any matter arising from or related to this Notice of Expropriation must be conducted with the Contact Person whose name is set out at the foot of this Notice and whose contact details are also set out there. Formal Notices required to be served on the Municipality must be delivered to the address provided in the Contact details at the foot of this Notice.

SIBUSISO SITHOLE  
CITY MANAGER  
ETHEKWINI MUNICIPALITY

Date: 10 April 2014

cc Registrar of Deeds  
Private Bag X9028  
PIETERMARITZBURG  
3200

**CONTACT PERSON: NJABULO MASEKO OF MASEKO MBATHA AND ASSOCIATES  
ATTORNEYS**

CONTACT DETAILS:

Physical Address: 28 Kent Road Suite 4, 2<sup>nd</sup> Floor Stamford Building Durban  
Postal Address: P.O. Box 3995 Durban 4000  
Telephone No: 031-3091691/031-3094813  
Fax No. 086 245 1357  
e-Mail address: [info@abameli.co.za](mailto:info@abameli.co.za)

**CONTACT PERSON: JEFFREY NAIDOO**

CONTACT DETAILS:

Physical Address: 17 Doveside Close, PHOENIX  
Postal Address: P O Box 3858, Durban 4000  
Telephone No: 031- 3112476  
Fax No.: 031- 5054195  
e-Mail address: [Jeffrey.naidoo@durban.gov.za](mailto:Jeffrey.naidoo@durban.gov.za)

No. 14

20 kuNhlaba 2014

## Isaziso No. 2713

## Isaziso sokudliwa ngokomthetho komhlaba

Sikhishwa uMasipala waseThekwini  
ngaphansi kweSigaba 9(3) somthetho i-Housing Act, 1997 (uMthetho No. 63 ka-1997),  
sifundwa neZigaba 1,6 kuya ku-15 no-18 kuya ku-23 zomthetho i-Expropriation Act, 1975  
(uMthetho No. 63 ka-1975) ufundwa neSigaba 25(2) soMthethosisekelo waseRiphabhliki  
yaseNingizimu-Afrika, 1996

SIYA: KUBANIKAZI BALE MIHLABA EBALULELWE KULOLUHLA OLULAPHA NGEZANSI

KANYE: Nakubo bonke abanye abantu abathi bananoma yimaphi amalungelo noma amagunya kule mhlaba echazwe kulesi saziso, ngenxa yokuba babhalisile noma ngenye indlela, futhi ikakhulukazi noma yisiphi isiqashi, umthengi noma umakhi ophathekayo ngokwemibandela yeSigaba 9(1)(d) somthetho i-Expropriation Act ka-1975.

LESI yisaziso ngaphansi kweSigaba 7, sifundwa neSigaba 5(2) soMthetho i-Expropriation Act (uMthetho No. 63 ka-1975) (uMthetho) sokuthi uMasipala waseThekwini (uMasipala), ngenxa yokuthi akakwazanga ukuthenga ngentengo eyamukelekile lo mhlaba ochazwe lapha ngokuxoxisana nabanikazi bawo futhi emva kokuthi esethole imvume kaNgqongqoshe ofanele weSifundazwe saKwaZulu-Natali ophethe ezezindlu mhla ka-31 Mashi 2014, ngalokhu uyawudla lo mhlaba ochazwe lapha ngezansi ngegunya alinikwe yiSigaba 9(3) somthetho i-Housing Act No. 107 ka-1997 kanye neSigaba 5 soMthetho, ngenjongo yokuba kusizakale umphakathi ngaphansi kohlelo lukazwelonke lokwakhela umphakathi izindlu kanjengoba kuchaziwe eSigabeni 1 soMthetho Wezezindlu.

Lo mhlaba odliwayo uchazwe kanje:

## IPHROJEKTHI YEZINDLU YASE-COTTONLANDS

No	INCAZELO YOMHLABA	UBUKHULU NGAMAHEK THARE	UMNIKAZI	ITAYITELA
1	PORTION 923 (OF 643) OF THE FARM COTTONLANDS NO.1575	12,1406	SANDHIA INV CC	T9776/1995
2	PORTION 324 (OF 130) OF THE FARM COTTONLANDS NO.1575	3,6422	NARAINEN KANDASAMY MARIMITHOO GANASEN	T3627/1960 T3627/1960 T3627/1960 T3627/1960
3	PORTION 323 (OF 130) OF THE FARM COTTONLANDS NO.1575	3,6422	NARAINEN KANDASAMY MARIMUTHOO GANASEN	T3627/1960 T3627/1960 T3627/1960 T3627/1960
4	PORTION 947 (OF 644) OF THE FARM COTTONLANDS NO.1575	8,0507	R.B. BANGTU	T3793/1959
5	REM OF PORTION 322 (OF 130) OF THE	5,2609	NARAINEN	T3627/1960



No	INCAZELO YOMHLABA	UBUKHULU NGAMAHEK THARE	UMNIKAZI	ITAYITELA
	FARM COTTONLANDS NO.1575		KANDASAMY MARIMUTHOO GANASEN	T3627/1960 T3627/1960 T3627/1960
6	PORTION 645 (OF 130) OF THE FARM COTTONLANDS NO.1575	12,1406	N.K. SOMUBI	T2802/1924
7	PORTION 1060 (OF 132) OF THE FARM COTTONLANDS NO.1575 ( UNDERLYING PROPERTY IS REM OF PORTION132 OF THE FARM COTTONLANDS NO. 1575)	7066 SQ MTR	UNREGISTERED	T
8	REM OF 132 OF THE FARM COTTONLANDS NO.1575	5,6089	KOWSILLA	T15820/1973
9	PORTION 481 (OF 135) OF THE FARM COTTONLANDS NO.1575	16,1874	HIRSUE (PTY) LTD	T17998/1974
10	PORTION 647 (OF 130) OF THE FARM COTTONLANDS NO.1575	12,1406	M.K. SOMUBI	T2804/1924
11	PORTION 648 (OF 130) OF THE FARM COTTONLANDS NO.1575	14,1640	J.N.K. TSHONJALO	T1513/19322
12	PORTION 514 (OF 135) OF THE FARM COTTONLANDS NO.1575	4,8562	OONAMALAI ESTATES (PTY) LTD	T5217/1977
13	REM OF 135 OF THE FARM COTTONLANDS NO. 1575	5,2609	MUVAD PROPERTY CC	T7933/1996
14	REM OF 649 (OF 130) OF THE FARM COTTONLANDS NO.1575	10,1172	J.NDHLOVU	T4318/1971
15	PORTION 760 (OF 131) OF THE FARM COTTONLANDS NO.1575	5,6656	C RAMPERTHAB & OTHERS	T19401/1969
16	PORTION 517 (OF 136) OF THE FARM COTTONLANDS NO.1575	8,0937	RAJKUMAR BANGTU RAM BISASUR BANGTUO RAMLUKHEN	T3794/1959
17	PORTION 941 (OF 649) OF THE FARM COTTONLANDS NO.1575	4,0469	N.M. BUDHIA	T12397/1985
18	REM OF 131 OF THE FARM COTTONLANDS NO.1575	2,6648	J.D. MOODLEY SADANANDH MEGHRAJH RAGHUBIR SEWKUMAR MOODLEY NADASEN	T1717/1998 T5749/1980 T5750/1980 T5751/1980 T602/1978
19	PORTION 1059 (OF 132) OF THE FARM COTTONLANDS NO.1575	4,8562	GAJADHUR ANGUTH RAJBALLEY SIVAPURSHAD MANNIKCHUND SIVANDEN SOMARIE	T19323/1969 T19323/1969 T19323/1969 T27758/1990 T6052/1972 T9603/1964
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21	PORTION 650 (OF 130) OF THE FARM COTTONLANDS NO.1575	6,0925	M.N.K. UMHLUTSHWA	T2807/1924
22	PORTION 970 (OF 651) OF THE FA RM COTTONLANDS NO.1575 ( UNDERLYNG PROPERTY IS REM OF 651 OF THE FARM COTTONLANDS NO 1575	2,0234	UNREGISTERED	T
23	PORTION 924 (OF 652) OF THE FARM COTTONLANDS NO.1575	2,0234	H.MAHARAJ	T11252/1988
24	REM OF 651 (OF 130) OF THE FARM COTTONLANDS NO.1575	6,0923	M.N.K. UMHLUTSHWA	T2374/1930
25	REM OF 652 (OF 130) OF THE FARM COTTONLANDS NO.1575	6,0931	M.N.K. UMHLUTSHWA	T2374/1930
26	PORTION 1625 (OF 1058) OF THE FARM COTTONLANDS NO.1575	9150 SQ MTR	R. BANGTU	CRT 18633/1970
27	PORTION 515 (OF 136) OF THE FARM COTTONLANDS NO.1575	2,0234	RAJKUMAR BANGTU RAM BISASUR BANGTUO RAMLUKHEN DOOLARIA BANGTU RAM BISASUR BANGTUO RAMLUKHEN	T1013/1949  T1764/1917 T664/1947 T664/1947

No	INCAZELO YOMHLABA	UBUKHULU NGAMAHEK THARE	UMNIKAZI	ITAYITELA
			RAJKUMAR SUGRIB KRISOONDAT KALKA PERESAD SAMLALL KALKA PERSAHD JAMOAANTH	T664/1947 T8228/1954 T8228/1954 T8968/1963 T8969/1963
28	PORTION 520 (OF 137) OF THE FARM COTTONLANDS NO.1575	4,0469	RAJKUMAR BANGTU RAM BISASUR BANGTUO RAMLUKHEN DOOLARIA RAJKUMAR BANGTU RAM BISASUR BANGTUO RAMLUKHEN SUGRIB KRISOONADA KALKA PERESAD SAMLALL KALKA PERSAHD JAMOAANTH	T1019/1949 T1019/1949 T1019/1949 T1764/1917 T 664/ 1947 T664/1947 T664/ 1947 T8228/1954 T8228/1954 T8968/1963 T8968/1963
29	PORTION 519 (OF 136) OF THE FARM COTTONLANDS NO.1575	4,0469	RAJKUMAR BANGTU RAM BISASUR BANGTUO RAMLUKHEN	T2538/1961 T2538/1961 T2538/1961
30	PORTION 518 (OF 136) OF THE FARM COTTONLANDS NO.1575	10,1172	H & D JUGROO	T14467/1990

#### NIYANXUSWA UKUBA NIQAPHELE LOKHU:

- Usuku lokudla lo mhlaba umhla ka-25 Ephreli 2014 kanti kusukela ngalolo suku ubunikazi balo mhlaba buzodlulela kuMasipala.
- Usuku uMasipala azothatha ngalo lo mhlaba oshiwo umhla ka-25 Ephreli 2014.
- Lapho kudliwa umhlaba, kusukela ngosuku ubunikazi balowo mhlaba obuthathwa ngalo nguMasipala, kodwa hhayi ngaphambi kwalolu suku, umnikazi uyokhululwa kulezo zibopho zokuba awunakekele futhi awugcine usesimweni lowo mhlaba nokuwukhokhela intela kanye nezinye izimali ezibizwayo, futhi ngeke esavunyelwa ukuwusebenzisa lo mhlaba futhi ngeke esaba namalungelo emali engeniswa yiwo.
- Lapho kudliwe ingxenye yomhlaba, ngokwesicelo somnikazi lesi saziso kuyothathwa ngokuthi sifaka nale ngxenye eseleyo yalowo mhlaba noma ingxenye yawo ngokwesigaba 2 soMthetho, inqobo nje uma uMasipala anelisekile ngokuthi le ngxenye eseleyo ayisenamsebenzi ngenxa yalokhu kudliwa ngokomthetho kwale enye ingxenye.
- Izindleko zanoma yikuphi ukudatshulwa komhlaba okudingekayo ziyothwalwa nguMasipala kanti nokudatshulwa uqobo lwakho kuyokwenziwa nguMasipala.

Ngokwesigaba 10(1) soMthetho i-Expropriation Act, 1975, sifundwa nesigaba 25(3) soMthethosisekelo wezwe laseNingizimu-Afrika, 1996, uMasipala uthi uzonikeza abanikazi izinxephezelo ezinqunywe ngokwesigaba 12(1) somthetho i-Expropriation Act, 1975, sifundwa

nesigaba 25(3) soMthethosisekelo wezwe laseNingizimu-Afrika, 1996, kanye nesamba ngaphansi kwesigaba 12(2)(b) somthetho i-Expropriation Act, 1975.

**UKUKHOKHWA** kwalesi sinxephezelo kuzokwenziwa ngaphansi kwesigaba 11(1) somthetho i-Expropriation Act, 1975.

**KUFANELE KUQASHELWE** ukuthi uma isiqashi sinelungelo ngenxa yesivumelwano sokuqashiselana okukhulunywe ngaso esigabeni 9(1)(d)(i) soMthetho, kulo mhlaba odliwayo uMasipala angazi lutho ngaso ngesikhathi sokukhishwa kwalesi saziso, lesi sinxephezelo uMasipala athi uzosikhokha singahoxiswa.

**QAPHELA** iSigaba 9(1) no-12, (ikakhulu izigatshana 3(a)(ii) no-(4) ezibalulwe lapha ngenzansi) zoMthetho, ikakhulu izibopho onazo ngaphansi kwalo Mthetho. Lezi zigaba ziyaphindwa lapha ngenzansi (lapho kuthi khona 'uNgqongqoshe' noma 'uHulumeni' kufanele kufundwe ngokuthi 'uMasipala').

9. Izibopho zomnikazi womhlaba odliwayo noma ozosetshenziswa nguHulumeni. –

(1) Umnikazi umhlaba wakhe odliwe ngokulawula koMthetho, kuyothi, zingakapheli izinsuku ezingu 60 kusukela osukwini okuphume ngalo lesi saziso, athumele noma enze ukuba kuthunyelwe kuNgqongqoshe isitatimende esibhaliwe esikhombisa –

- a. ukuthi esazisweni sokudliwa komhlaba kwaba khona yini isinxephezelo okwathiwa uzosinikwa ngalowo mhlaba, noma ngabe uyasamukela lesi sinxephezelo noma cha, uma engasemukeli, lesi samba esibizwa uyena njengesinxephezelo nokuthi yingxenye engakanani yaleso samba emaqondana nalezi zamba okukhulunywa ngazo ezigabeni 12(1)(a)(i) no-(ii) noma (b) neminingwane ephelele yokuthi zakheke kanjani lezo zamba;
- b. uma kungekho sinxephezelo okuthiwe uzonikwa sona, imali ayibizayo njengesinxephezelo nokuthi ingakanani kuleso samba imali eyileyo ebalulwe eSigabeni 12(1)(a)(i) no (ii) noma (b) kanye neminingwane ephelele yokuthi le mali ibalwe kanjani;
- c. uma okudliwa ngokomthetho kungumhlaba futhi kubizwa noma yisiphi isamba sibizwa njengokulawula kwesigatshana (a) noma (b), iminingwane ephelele ephathelene nokwakhiwe kulo mhlaba/nokulungiswa okwenziwe kuwo, ngokubona komnikazi, okunomthelela enanini lalowo mhlaba;
- d. uma okudliwa ngokomthetho kungumhlaba-

- (i) okwathi ngaphambi kosuku lwesaziso wawuqashisiwe, wona wonke noma ingxenye yawo, ngesivumelwano esingabhalisiwe, igama nekheli lesiqashi, bese lokhu kuphelezelwa yisivumelwano noma ikhophi yaso eqinisekisiwe, uma sibhalwe phansi, noma imininingwane ephелеle yesivumelwano, uma singabhalisiwe phansi;
- (ii) okwathi ngaphambi kosuku lwesaziso, wadayiswa ngumniniwo, igama nekheli lomthengi, liphelezelwe yisivumelwano sokuthengiselana noma ikhophi yaso eqinisekisiwe;
- (iii) okwakhiwe kuwo ibhilidi elingaphansi kwesibambiso sikamakhi kuze kukhokhwe imali akweletwa yona ngaphansi kwesivumelwano sokwakha esibhalwe phansi, igama nekheli likamakhi futhi lokhu kuphelezelwe yisivumelwano sokwakha noma yikhophi yaso eqinisekisiwe;
- (iv) .....

- e. ikheli lalapho umnikazi afisa ukuba ezinye izincwadi eziphathelele nokudliwa komhlaba ziposelwe, zihanjiswe noma zithunyelwe khona.

Kweyame ekuthini uNgqongqoshe ngokubona kwakhe angasengeza lesi sikhathi esishiwo esiyizinsuku ezingamashumi ayisithupha, nokuthi futhi uma umnikazi embhalela uNgqongqoshe emcela zingakapheli izinsuku ezingamashumi amathathu kusukela osukwini lokuphuma kwesaziso, ukuba uNgqongqoshe aselule lesi sikhathi esesishiwo esiyinsuku ezingamashumi ayisithupha, uNgqongqoshe uyoselula lesi sikhathi ngokwengeza ezinye izinsuku ezingamashumi ayisithupha.

(2) .....

(3) Uyanxuswa ukuba zithi zingakapheli izinsuku ezingamashumi ayisithupha (60) kusukela osukwini lwalesi sazo -

- (b) ulethe noma udale ukuba kulethwe kuMasipala, kuleli kheli elishiwo ngenzansi amatayitela obunikazi alo mhlaba odliwa nguMasipala, noma uma lawo matayitela obunikazi engekho kuwena noma engekho ngaphansi kolawulo lwakho, ulethe igama nekheli lomuntu akuyena lamatayitela;

12. Isisekelo okuklanyelwa phezu kwaso isinxephezelo –

- (1) Isinxephezelo esizokhokhelwa umnikazi ngaphansi kwalo Mthetho ngomhlaba odliwe ngaphansi kwalo Mthetho, noma ngokuthathwa kwelungelo lokusebenzisa umhlaba ngeke, ngaphansi kwemibandela yesigatshana (2) salo Mthetho, seqe -

- (a) maqondana nanoma yimuphi umhlaba ngaphandle kwelungelo, okungelona ilungelo lokumbiwa phansi-
- (i) isamba lowo mhlaba obungadayiswa ngaso uma ubudayiswa emakethe evulekile ngokuvumelana komthengi nomdayisi ngosuku lwesaziso, kanye
- (ii) nemali yokubhekela noma yikuphi ukulahlekelwa kwangempela okudalwe ukudliwa kwalowo mhlaba; kanti
- (b) maqondana nelungelo, ngaphandle kwelokumbiwa phansi elibhalisiwe, isamba sokubhekela ukulahlekelwa kwangempela ngokwezimali okudalwe ukuthathwa kwalelo lungelo: Ngaphansi kombandela wokuthi lapho umhlaba odliwe owohlobo olungedayiswe emakethe evulekile, isinxephezelo singanqunywa -
- (aa) ngokwesilinganiso sesamba sezindleko zokwakha kabusha izakhiwo ezikulowo mhlaba odliwayo, kube kubhekwe nokwehla kwenani lazo ngenxa yanoma yisiphi isizathu kanjengoba kunqunyiwe ngosuku lwesaziso sokudliwa kwalowo mhlaba; noma
- (bb) nganoma iyiphi enye indlela efanele.
- (2) Yize noma kungathiwani kwesinye isigaba salo Mthetho, kepha esambeni esiphelele sesinxephezelo esiyokhokhwa ngaphansi kwesigatshana (1) kuyokwengezwa imali –
- (a) engamaphesenti ayishumi aleso samba sesisonke, uma singeqi ku-R100 000; kanye
- (b) namaphesenti amahlanu aleso samba eyeqa ngaso ku-R100 000, uma singeqi ku-R500 000; kanye
- (c) namaphesenti amathathu aleso samba eyeqa ngaso ku-R500 000, uma singeqi ku-R1 000 000; kanye
- (d) nephesenti elilodwa (kodwa kungeqi ku-R10 000) laleso samba eyeqela ngaso ku-R1 000 000.
- (3) (a) Inzalo eklanywe ngokulawula kweSigaba 26(1) sika-Exchequer and Audit Act, 1975 (uMthetho 66 ka-1975), ngaphansi kwemibandela yesigatshana (4), iyokhokhwa kusukela ngosuku uMasipala athatha ngalo ubunikazi bendawo leyo ngokulawula kweSigaba 8(3) noma (5) kunoma iyiphi ingxenye esilele yesamba sesinxephezelo okumele sikhokhwe ngokwesigatshana (1): Kweyame ekuthini –

- (i) maqondana nalokhu okukhulunywa ngakho esigabeni 21(4), maqondana nesikhathi esibalwa kusukela ekupheleni kwezinsuku ezingamashumi amathathu kusukela osukwini-
  - (aa) lowo mhlaba owathathwa ngalo, uma ngaphambi kwalolo suku kwavunyelwana ngesinxephezelo; noma
  - (bb) leso sinxephezelo kwavunyelwana ngaso, uma emva kwalolo suku kwavunyelwana ngaso, kuya osukwini okwaxazululwa ngalo umbango noma ukungabaza okwaxazululwa ngalo noma umnikazi nomthengi noma umakhi wabikela uNgqongqoshe ngaphansi kweSigaba 21(4) ngokukhokhwa kwemali yesinxephezelo, ingxenye esasele okufanele ikhokhwe, ngezizathu zokubala inzalo, kuyothathwa ngokuthi akusona isamba esisakweletwa; futhi
- (ii) uma umnikazi ehluleka ukulandela izimiso zeSigaba 9 singakadluli lesi sikhathi esinqunyiwe okukhulunywa ngaso kulesi Sigaba esesishiwo, leyo mali okuyobe kumele ikhokhwe ngaleso sikhathi salokho kwehluleka futhi maqondana nokukhokhwa kwezalo kuyothathwa ngokuthi akuyona imali engakhokhiwe edinga ukukhokhwa.
- (b) Inzalo okufanele ikhokhwe ngokwesigatshana (a) kuyothathwa ngokuthi ikhokhiwe ngosuku leyo mali eyokhishwa ngalo noma iposelwe kumnikazi.
- (c) Noma iyiphi idiphozi, inkokhelo noma ukusetshenziswa kwanoma isiphi isamba semali ngaphansi kwesigaba 11(1), 20 (2) noma 21 (1) noma (4) kuyothathwa ngokuthi yinkokhelo enikezwa umnikazi, kanti akukho nzalo ngaphansi kwesigatshana (a) okuyofanele ikhokhelwe leyo mali kusukela ngosuku ekhokhwe ngalo, efakwe ngalo ebhange noma esetshenziswe ngalo.
- (4) Uma umnikazi womhlaba odliwe ehlala noma esebenzisa lowo mhlaba noma ingxenye yawo, akukho nzalo, maqondana naleso sikhathi ahlala ngaso kulowo mhlaba noma asebenzisa ngaso lowo mhlaba, eyokhokhwa ngaphansi kwesigatshana (3) kuleyo mali esasele, ngokubona kukaNgqongqoshe emaqondana nalowo mhlaba osetshenziswayo.
- (5) Ekunqumeni isinxephezelo esizokhokhwa ngaphansi kwalo Mthetho, kuyosebenza le migomo elandelayo, –
  - (a) angeke kubhekelelwe ukuthi umhlaba odliwe noma amalungelo okusebenzisa umhlaba kuthathwe ngaphandle kwemvume yomnikazi;

- (b) ukufaneleka kwalowo mhlaba noma kwaleso sakhiwo ukwenza umsebenzi uHulumeni adinga ukuwenza kusona ngeke kusetshenziswe ekubaleni isinxephezelo uma bekungelindeleke ukuba leso sakhiwo sithengelwe ukwenza lowo msebenzi emakethe evulekile noma ukuthi ilungelo lokusebenzisa lowo mhlaba usetshenziswa ngaleyo ndlela belingathengwa;
- (c) uma inani lalowo mhlaba lenyukile ngenxa yokusetshenziswa kwawo ngendlela engekho emthethweni, lokho kwenyuka kwenani kuyoshaywa indiva;
- (d) ukwakha okwenziwe emva kosuku lwalesi saziso (ngaphandle kwalapho kwakudingekile khona ukuze isakhiwo sigcinwe sisesimweni noma lapho kwenziwa ngenxa yezibopho ezenziwa ngaphansi kwalolo suku) ngeke kubalwe;
- (e) angeke abalwe amalungelo angabhalisiwe maqondana nomhlaba noma maqondana nanoma yimuphi umonakalo odaleke ngenjongo yokuthola isinxephezelo;
- (f) noma yikuphi ukwenyuka noma ukwehla enanini lomhlaba okwenzeke emva noma ngaphambi kosuku lwesaziso, okudaleke ngenxa yezinjongo zokudliwa kwawo noma ukusetshenziswa okuhlongozwayo kwawo noma okudalwe yinoma yimuphi umsebenzi noma isenzo sikaHulumeni noma umsebenzi ahlose ukuwenza kulowo mhlaba, ngeke kubalwe;
- (g) ....
- (h) Kuyophinde kubalwe -
  - (i) noma yikuphi ukusizakala okuyotholwa umuntu onxeshezelayo nganoma yimuphi umsebenzi wokwakha owenziwa uHulumeni noma ukwakha okwenziwa uHulumeni ekwenzela lowo muntu ngenjongo yokumnxephezela ngokuphelele noma ingxenye ngokulahlekelwa kwakhe ngenxa yokudliwa komhlaba wakhe noma ukuthathwa kwamalungelo akhe okusebenzisa umhlaba/isakhiwo sakhe;
  - (ii) noma yisiphi isibonelelo esitholwa umuntu ngenxa yokudliwa komhlaba wakhe noma ngokusetshenziswa kwawo ngenjongo owadlwa yona noma injongo owadlwa yona amalungelo okuwusebenzisa;
  - (iii) ....
  - (iv) Noma isilinganiso esingakanani samanzi lowo muntu onxeshezelayo anelungelo lawo ngaphansi noma asethubeni

lokuba nelungelo lawo ngaphansi komthetho i-Water Act, 1956 (Umthetho No. 54 ka-1956), noma nanoma yimuphi omunye umthetho.

(v) .....

(vi) .....

Umuntu okungaxhunyanwa naye kuMasipala maqondana nalesi saziyo yilowo igama lakhe neminingwane yakhe okubhalwe ekugcineni kwalesi saziyo. Izaziyo okudingeka ukuba zithunyelwe kuMasipala kufanele zihanjiswe kuleli kheli elisekugcineni kwalesi saziyo.

SIBUSISO SITHOLE  
IMENENJA KAMASIPALA WASETHEKWINI

Usuku: 10 Ephreli 2014

cc Registrar of Deeds  
Private Bag X9028  
PIETERMARITZBURG  
3200

**OKUNGAXHUNYANWA NAYE:** Njabulo Maseko wakwa-Maseko Mbatha and Associates  
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**OKUNGAXHUNYANWA NAYE:** Jeffrey Naidoo

**IMINININGWANE YOKUXHUMANA NAYE:** Jeffrey Naidoo

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No. 15

20 May 2014

**Statutory Notice No. 2714****Notice of Expropriation**

Issued by the eThekweni Municipality

In terms of Section 9(3) of the Housing Act, 1997 (Act No. 63 of 1997)

Read with Sections 1, 6 to 15 and 18 to 23 of the Expropriation Act, 1975 (Act No. 63 of 1975) as amended read with Section 25(2) of the Constitution of the Republic of South Africa, 1996.

**TO: VARIOUS LAND OWNERS AS PER LIST BELOW**

**AND TO:** All other persons claiming any right to or interest in the land described in this Notice of Expropriation whether by virtue of registration or otherwise, and particularly any lessee, buyer or builder contemplated in terms of Section 9(1)(d) of the Expropriation Act, 1975.

**NOTICE** is hereby given in terms of Section 7, read with Section 5(2) of the Expropriation Act No. 63 of 1975 (the Act) that the eThekweni Municipality (the Municipality), being unable to purchase the said land on reasonable terms through negotiation with the owners of the land and having obtained the permission of the Member of the Executive Committee of the Province of KwaZulu-Natal responsible for housing matters in the province on 31 March 2014, hereby expropriates the land described hereunder under powers vested in it by Section 9(3) of the Housing Act No. 107 of 1997 (the Housing Act) and Section 5 of the Act, for public purposes, in particular for the purposes of a national housing programme as defined in Section 1 of the Housing Act.

The land being expropriated and ownership is as follows:

**AFRIKA INANDA LAND RELEASE HOUSING PROJECT**

INANDA AFRICA			
NO	REGISTERED OWNER	PROPERTY DESCRIPTION	TITLE DEED NUMBER
1	AFRICAN C. CHURCH	PORTION 125(OFF 77) OF THE FARM PIEZANG RIVIER NO.805	T18933/1974
2	AFRICANC.CHURCH	PORTION 127 (OF 77) OF THE FARM PIEZANG RIVIER NO.805	T8418/1966
3	ROGDERS A. ZIMELE NGCOBO	PORTION 128 (OF 77) OF THE FARM PIEZANG RIVIER NO.805	T15402/1977
4	ROGDERS A. Z. NGCOBO	PORTION 129 (OF 77) OF THE FARM PIEZANG RIVIER NO.805	T15402/1977
5	CHARLES CELE MAGWAZA	PORTION 130 (77) OF THE FARM PIEZANG RIVIER NO.805	T1742/1933
6	CHARLES CELE MAGWAZA	PORTION 131 (OF 77) OF THE FARM PIEZANG RIVIER NO.805	T1242/1933
7	JOHANNES MLANGENI	PORTION 267 (OF 77) OF THE FARM PIEZANG RIVIER NO.805	T3491/1936
8	BEATRICE TSHABALALA	PORTION 134 (OF 77) OF THE FARM PIEZANG RIVIER NO.805	T1143/1967
9	A&B LUTHULI PROP.	PORTION 135 (OF 77) OF THE FARM PIEZANG RIVIER NO.805	722884/1991

10	AFRICAN.C.CHURCH	PORTION 136 (OF 77) OF THE FARM PIEZANG RIVIER NO.805	T18933/1974
11	NKANYEZI MTHETHWA	REM OF PORTION 137 ( OF 77) OF THE FARM PIEZANG RIVIER NO.805	T 12172/1977
12	MESHACK MTETWA	PORTION 138 (OF 77) OF THE FARM PIEZANG RIVIER NO 805	T6586/1948
13	THEMBA CECIL SIBEKO SEBENZILE PATRICIA SIBEKO SIPHO BENJAMIN SIBEKO REBECCA FIHLIWE THWALA ISABELLA NKUNGEKA MASSEELA MOIPONE REBECCA THEKISO PRISCILLA NOMSA TSHABALALA MOUNTAIN HAMILTON SIBEKO NTOMBANA ELINA MOLATHLOE	PORTION 392(OF 77) OF THE FARM PIEZANG RIVIER NO.805	T22716/1995
14	JACOB GUMEDE	PORTION 139(OF 77) OF THE FARM PIEZANG RIVIER NO. 805	T710/1932
15	THEODORA MAPHUMULO MSAWENKOSI MAPHUMULO ERNEST MAPHUMULO LINDIWE MAPHUMULO SIPHO MAPHUMULO SITHUTHUKIL E MAPHUMULO	PORTION 140(OF 77) OF THE FARM PIEZANG RIVIER NO.805	T3906/1997
16	FRANCIS MDIMA	PORTION 141 (OF 77) OF THE FARM PIEZANG RIVIER NO.805	T3500/1929
17	NORAH MOERANE	PORTION 296 (OF 77) OF THE FARM PIEZANG RIVIER NO.805	T23266/1991
18	BENJAMIN YENI	PORTION 144(OF 77) OF THE FARM PIEZANG RIVIER NO.805	T3598/1928
19	JOHANNES MLANGENI	PORTION 148 (OF 77) OF THE FARM PIEZANG RIVIER NO. 805	T2291/1947
20	W.THULANI DHLADLA	PORTION 230 (OF 77) OF THE FARM PIEZANG RIVIER NO.805	T16164/1971
21	FRANCIS MDIMA	PORTION 236 (OF 77) OF THE FARM PIEZANG RIVIER NO. 805	T382/1938

## PLEASE NOTE THE FOLLOWING:

- a. The date of expropriation shall be 25 April 2014 with effect from which date, where applicable, ownership of the said land will pass to the Municipality.
- b. The date upon which the Municipality will take possession of the said property shall be 25 April 2014.
- c. Where land is expropriated, with effect from the date of possession of the land by the Municipality, but not before such date, the Owner(s) will be relieved of the obligation to take care of and maintain the land and to pay taxes and other charges thereon, and will no longer be entitled to the use of and any income from the land.
- d. Where the property has been partially expropriated, at the request of the Owner(s) this notice shall be deemed to include the remainder of the property or part thereof in terms of Section 2 of the Act, provided that the Municipality is satisfied that such remainder has been rendered useless by the expropriation.
- e. The costs of the survey required and the survey itself will be borne and undertaken by the Municipality.

In terms of section 10(1) of the Expropriation Act, 1975, read with section 25(3) of the Constitution of the Republic of South Africa, 1966, the Municipality hereby offers compensation to the Owners amounts determined in terms of section 12(1) of the Expropriation Act, 1975, for the land hereby expropriated, read with section 25(3) of the Constitution of the Republic of South Africa Act, 1996, together with a sum in terms of section 12(2)(b) of the Expropriation Act, 1975.

**PAYMENT** of the compensation offered will be made in terms of section 11(1) of the Expropriation Act, 1975.

**ATTENTION** is drawn to the fact that if a lessee has a right by virtue of a lease contemplated in section 9(1)(d)(i) of the Act, in respect of the land expropriated of which the Municipality has no knowledge on the date of this Notice, the aforementioned offer of compensation may be withdrawn.

**YOUR ATTENTION** is directed to the provisions of Section 9(1) and 12, (in particular sub-sections 3(a)(ii) and (4) highlighted below) of the Act and in particular to the obligations which you must comply with under the said sections. For your convenience, the sections are reproduced here (please read Municipality where it states 'Minister' or 'State').

9. Duties of owner of property expropriated or which is to be used by State. –

- (1) An owner whose property has been expropriated in terms of this Act, shall, within sixty days from the date of notice in question, deliver or cause to be delivered to the Minister a written statement indicating-
  - (a) if any compensation was in the notice of expropriation offered for such property, whether or not he accepts that compensation and, if he does not accept it, the amount claimed by him as compensation and how much of that amount represents each of the respective amounts contemplated in section 12(1)(a)(i) and (ii) or (b) and full particulars as to how such amounts are made up;
  - (b) if no such compensation was so offered, the amount claimed as compensation by him and how much of that amount represents each of the respective amounts contemplated in section 12(1)(a)(i) and (ii) or (b) and full particulars as to how such amounts are made up;
  - (c) if the property expropriated is land and any amount is claimed in terms of paragraph (a) or (b), full particulars of all improvements thereon which, in the opinion of the owner, affect the value of such land;
  - (d) if the property being expropriated is land-
    - (i) which prior to the date of notice was leased as a whole or in part by unregistered lease, the name and address of the lessee, and accompanied by the lease or a certified copy thereof, if it is in writing, or full particulars of the lease, if it is not in writing;

- (ii) which, prior to the date of notice, was sold by the owner, the name and address of the buyer, and accompanied by the contract of purchase and sale or a certified copy thereof;
  - (iii) on which a building has been erected which is subject to a builder's lien by virtue of a written building contract, the name and address of the builder, and accompanied by the building contract or a certified copy thereof;
- (e) indicate the address to or at which you desire that further documents in connection with the expropriation may be posted or delivered.

Provided that the Minister may at his discretion extend the said period of sixty days, and that, if the owner requests the Minister in writing within thirty days as from the date of notice to extend the said period of sixty days, the Minister shall extend such period by a further sixty days.

(2) .....

(3) You are hereby requested, within sixty (60) days of the date of this notice, to -

- (a) deliver or cause to be delivered to the Municipality at the address stated hereunder the title deeds of the property hereby expropriated or, if such document is not in your possession or under your control, the name and address of the person in whose possession or under whose control it is;

12. Basis on which compensation is to be determined. –

- (1) The amount of compensation to be paid in terms of this Act to an owner in respect of property expropriated in terms of this Act, or in respect of the taking, in terms of this Act, of a right to use property, shall not, subject to the provisions of subsection (2), exceed-
  - (a) in the case of any property other than a right, excepting a registered right to minerals, the aggregate of-
    - (i) the amount which the property would have realized if sold on the date of Notice in the open market by a willing seller to a willing buyer, and
    - (ii) an amount to make good any actual financial loss caused by the expropriation; and
  - (b) in the case of a right, excepting a registered right to minerals, an amount to make good any actual financial loss caused by the expropriation or the taking of the right:  
Provided that where the property expropriated is such nature that there is no open market therefor, compensation therefor may be determined-

- (aa) on the basis of the amount it would cost to replace the improvements on the property expropriated, having regard to the depreciation thereof for any reason, as determined on the date of notice; or
  - (bb) in any other suitable manner.
- (2) Notwithstanding anything to the contrary contained in this Act there shall be added to the total amount payable in accordance with subsection (1), an amount equal to –
  - (a) ten per cent of such total amount, if it does not exceed R100 000; plus
  - (b) five per cent of the amount by which it exceeds R100 000, if it does not exceed R500 000; plus
  - (c) three per cent of the amount by which it exceeds R500 000, if it does not exceed R1 000 000; plus
  - (d) one per cent (but not amounting to more than R10 000) of the amount by which it exceeds R1 000 000.
- (3)
  - (a) Interest at the standard interest rate determined in terms of section 26 (1) of the Exchequer Act, 1975 (Act No. 66 of 1975), shall, subject to the provision of subsection (4), be payable from the date on which the State takes possession of the property in question in terms of section 8 (3) or (5) on any outstanding (1):  
Provided that –
    - (i) in a case contemplated in section 21 (4), in respect of the period calculated from the termination of thirty days from the date on which-
      - (aa) the property was so taken possession of, if prior to that date compensation for the property was offered or agreed upon; or
      - (bb) such compensation was offered or agreed upon, if after that date it was offered or agreed upon,to the date on which the dispute was settled or the doubt was resolved or the owner and the buyer or the mortgagee or the builder notified the Minister in terms of the said section 21 (4) as to the payment of the compensation money, the outstanding portion of the amount so payable shall, for the purposes of the payment of interest, be deemed not to be an outstanding amount; and
    - (ii) if the owner fails to comply with the provision of section 9 within the appropriate period referred to in the said section, the amount so payable shall during the period of such failure and for the purpose of the payment of interest be deemed not to be an outstanding amount.
  - (b) Interest payable in terms of paragraph (a) shall be deemed to have been paid on the date on which the amount has been made available or posted to the owner concerned.
  - (c) Any deposit, payment or utilization of any amount in terms of section 11(1), 20 (2) or 21 (1) or (4) shall be deemed to be a payment to the owner, and no interest shall in terms of paragraph (a) be payable on any such amount as from the date on which it has been so deposited, paid or utilized.

- (4) If the owner of property which has been expropriated occupies or utilizes that property or any portion thereof, no interest shall, in respect of the period during which he so occupies or utilizes it, be paid in terms of subsection (3) on so much of the outstanding amount as, in the opinion of the Minister, relates to the property or utilized.
- (5) In determining the amount of compensation to be paid in terms of this Act, the following rules shall apply, namely –
- (a) no allowance shall be made for the fact that the property or the right to use property has been taken without the consent of the owner in question;
  - (b) the special suitability or usefulness of the property in question for the purpose for which it is required by the State, shall not be taken into account if it is unlikely that the property would have been purchased for that purpose on the open market or that the right to use the property for that purpose would have been so purchased;
  - (c) if the value of the property has been enhanced in consequence of the use thereof in a manner which is unlawful, such enhancement shall not be taken into account;
  - (d) improvements made after the date of notice on or to the property in question (except where they were necessary for the property maintenance of existing improvements or where they were necessary for the property maintenance of existing improvements or where they were undertaken in pursuance of obligations entered into before that date) shall not be taken into account;
  - (e) no allowance shall be made for any unregistered right in respect of any other property or for any indirect damage or anything done with the object of obtaining compensation therefor;
  - (f) any enhancement or depreciation, before or after the date of notice, in the value of the property in question, which may be due to the purpose for which or in connection with which the property is being expropriated or is to be used, or which is a consequent of any work or act which the State may carry out or perform or already has carried out or performed or intends to carry out or perform in connection with such purpose, shall not be taken into account;
  - (g) ....
  - (h) Account shall also be taken of -
    - (i) any benefit which will ensure to the person to be compensated from any works which the State has built or constructed or has undertaken to build or construct on behalf of such person to compensate him in whole or in part for any financial loss which he will suffer in consequence of the expropriation or, as the case may be, the taking of the right in question;
    - (ii) any benefit which will ensure to such person in consequence of the expropriation of the property or the use thereof for the purpose for which it was expropriated or, as the case may be, the right in question was taken;
    - (iii) ....

- (iv) Any relevant quantity of water to which the person to be compensated is entitled or which is likely to be granted to him, in terms of the provisions of the Water Act, 1956(Act No. 54 of 1956), or any other law.
- (v) .....
- (vi) .....

COMMUNICATION with the Municipality in connection with any matter arising from or related to this Notice of Expropriation must be conducted with the Contact Person whose name is set out at the foot of this Notice and whose contact details are also set out there. Formal Notices required to be served on the Municipality must be delivered to the address provided in the Contact details at the foot of this Notice.

SIBUSISO SITHOLE  
CITY MANAGER  
ETHEKWINI MUNICIPALITY

Date: 10 April 2014

cc Registrar of Deeds  
Private Bag X9028  
PIETERMARITZBURG  
3200

**CONTACT PERSON: NJABULO MASEKO OF MASEKO MABATHA AND ASSOCIATES ATTORNEYS**

CONTACT DETAILS:

Physical Address: 28 Kent Road Suite Floor 2<sup>nd</sup> Floor Stamford Building Durban  
Postal Address: P.O. Box 3995 Durban 4000  
Telephone No: 031 309 1691/ 031 309 4813  
Fax No. : 086 245 1357  
e-Mail address: [info@abameli.co.za](mailto:info@abameli.co.za)

**CONTACT PERSON: JEFFREY NAIDOO**

CONTACT DETAILS:

Physical Address: 17 Doveside Close, PHOENIX  
Postal Address: P O Box 3858, Durban 4000  
Telephone No: 031 – 3112476  
Fax No.: 031 – 5054195  
e-Mail address: [Jeffrey.naidoo@durban.gov.za](mailto:Jeffrey.naidoo@durban.gov.za)

No. 15

20 kuNhlaba 2014

## Isaziso No. 2714

## Isaziso sokudliwa ngokomthetho komhlaba

Sikhishwa uMasipala waseThekwini  
 ngaphansi kweSigaba 9(3) somthetho i-Housing Act, 1997 (uMthetho No. 63 ka-1997),  
 sifundwa neSigaba 1,6 kuya ku-15 no-18 kuya ku-23 zomthetho i-Expropriation Act, 1975  
 (uMthetho No. 63 ka-1975) ufundwa neSigaba 25(2) soMthethosisekelo waseRiphabhliki  
 yaseNingizimu-Afrika, 1996

SIYA: KUBANIKAZI BALE MIHLABA EBALULELWE KULOLUHLA OLULAPHA NGEZANSI

KANYE: Nakubo bonke abanye abantu abathi bananoma yimaphi amalungelo noma amagunya kule mhlaba echazwe kulesi saziso, ngenxa yokuba babhalisile noma ngenye indlela, futhi ikakhulukazi noma yisiphi isiqashi, umthengi noma umakhi ophathekayo ngokwemibandela yeSigaba 9(1)(d) somthetho i-Expropriation Act ka-1975.

LESI yisaziso ngaphansi kweSigaba 7, sifundwa neSigaba 5(2) soMthetho i-Expropriation Act (uMthetho No. 63 ka-1975) (uMthetho) sokuthi uMasipala waseThekwini (uMasipala), ngenxa yokuthi akakwazanga ukuthenga ngentengo eyamukelekile lo mhlaba ochazwe lapha ngokuxoxisana nabanikazi bawo futhi emva kokuthi esethole imvume kaNgqongqoshe ofanele weSifundazwe saKwaZulu-Natali ophethe ezezindlu mhla ka-31 Mashi 2014, ngalokhu uyawudla lo mhlaba ochazwe lapha ngenzansi ngegunya alinikwe yiSigaba 9(3) somthetho i-Housing Act No. 107 ka-1997 kanye neSigaba 5 soMthetho, ngenjongo yokuba kusizakale umphakathi ngaphansi kohlelo lukazwelonke lokwakhela umphakathi izindlu kanjengoba kuchaziwe eSigabeni 1 soMthetho Wezezindlu.

Lo mhlaba odlwayo uchazwe kanje:

## IPHROJEKTHI YEZINDLU YASE-AFRIKA ENANDA

NO	UMNIKAZI	UKUCHAZWA KOMHLABA	ITAYITELA
1	AFRICAN C. CHURCH	PORTION 125(OFF 77) OF THE FARM PIEZANG RIVIER NO.805	T18933/1974
2	AFRICANC.CHURCH	PORTION 127 (OF 77) OF THE FARM PIEZANG RIVIER NO.805	T8418/1966
3	ROGDERS A. ZIMELE NGCOBO	PORTION 128 (OF 77) OF THE FARM PIEZANG RIVIER NO.805	T15402/1977
4	ROGDERS A. Z. NGCOBO	PORTION 129 (OF 77) OF THE FARM PIEZANG RIVIER NO.805	T15402/1977
5	CHARLES CELE MAGWAZA	PORTION 130 (77) OF THE FARM PIEZANG RIVIER NO.805	T1742/1933
6	CHARLES CELE MAGWAZA	PORTION 131 (OF 77) OF THE FARM PIEZANG RIVIER NO.805	T1242/1933
7	JOHANNES MLANGENI	PORTION 267 (OF 77) OF THE FARM PIEZANG RIVIER NO.805	T3491/1936



8	BEATRICE TSHABALALA	PORTION 134 (OF 77) OF THE FARM PIEZANG RIVIER NO.805	T1143/1967
9	A&B LUTHULI PROP.	PORTION 135 (OF 77) OF THE FARM PIEZANG RIVIER NO.805	722884/1991
10	AFRICAN.C.CHURCH	PORTION 136 (OF 77) OF THE FARM PIEZANG RIVIER NO.805	T18933/1974
11	NKANYEZI MTHETHWA	REM OF PORTION 137 ( OF 77) OF THE FARM PIEZANG RIVIER NO.805	T 12172/1977
12	MESHACK MTETWA	PORTION 138 (OF 77) OF THE FARM PIEZANG RIVIER NO 805	T6586/1948
13	THEMBA CECIL SIBEKO SEBENZILE PATRICIA SIBEKO SIPHO BENJAMIN SIBEKO REBECCA FIHLIWE THWALA ISABELLA NKUNGEKA MASSEELA MOIPONE REBECCA THEKISO PRISCILLA NOMSA TSHABALALA MOUNTAIN HAMILTON SIBEKO NTOMBANA ELINA MOLATHLOE	PORTION 392(OF 77) OF THE FARM PIEZANG RIVIER NO.805	T22716/1995
14	JACOB GUMEDE	PORTION 139(OF 77) OF THE FARM PIEZANG RIVIER NO. 805	T710/1932
15	THEODORA MAPHUMULO MSAWENKOSI MAPHUMULO ERNEST MAPHUMULO LINDIWE MAPHUMULO SIPHO MAPHUMULO SITHUTHUKIL E MAPHUMULO	PORTION 140(OF 77) OF THE FARM PIEZANG RIVIER NO.805	T3906/1997
16	FRANCIS MDIMA	PORTION 141 (OF 77) OF THE FARM PIEZANG RIVIER NO.805	T3500/1929
17	NORAH MOERANE	PORTION 296 (OF 77) OF THE FARM PIEZANG RIVIER NO.805	T23266/1991
18	BENJAMIN YENI	PORTION 144(OF 77) OF THE FARM PIEZANG RIVIER NO.805	T3598/1928
19	JOHANNES MLANGENI	PORTION 148 (OF 77) OF THE FARM PIEZANG RIVIER NO. 805	T2291/1947
20	W.THULANI DHLADLA	PORTION 230 (OF 77) OF THE FARM PIEZANG RIVIER NO.805	T16164/1971
21	FRANCIS MDIMA	PORTION 236 (OF 77) OF THE FARM PIEZANG RIVIER NO. 805	T382/1938

#### NIYANXUSWA UKUBA NIQAPHELE LOKHU:

- Usuku lokudla lo mhlaba umhla ka-25 Ephreli 2014 kanti kusukela ngalolo suku ubunikazi balo mhlaba buzodlulela kuMasipala.
- Usuku uMasipala azothatha ngalo lo mhlaba oshiwo umhla ka-25 Ephreli 2014.
- Lapho kudliwa umhlaba, kusukela ngosuku ubunikazi balowo mhlaba obuthathwa ngalo nguMasipala, kodwa hhayi ngaphambi kwalolu suku, umnikazi uyokhululwa kulezo zibopho zokuba awunakekele futhi awugcine usesimweni lowo mhlaba nokuwukhokhela intela kanye nezinye izimali ezibizwayo, futhi ngeke esavunyelwa ukuwusebenzisa lo mhlaba futhi ngeke esaba namalungelo emali engeniswa yiwo.
- Lapho kudliwe ingxenye yomhlaba, ngokwesicelo somnikazi lesi saziso kuyothathwa ngokuthi sifaka nale ngxenye eseleyo yalowo mhlaba noma ingxenye yawo ngokwesigaba 2 soMthetho, inqobo nje uma uMasipala anelisekile ngokuthi le ngxenye eseleyo ayisenamsebenzi ngenxa yalokhu kudliwa ngokomthetho kwale enye ingxenye.

- e. Izindleko zanoma yikuphi ukudatshulwa komhlaba okudingekayo ziyothwalwa nguMasipala kanti nokudatshulwa uqobo lwakho kuyokwenziwa nguMasipala.

Ngokwesigaba 10(1) soMthetho i-Expropriation Act, 1975, sifundwa nesigaba 25(3) soMthethosisekelo wezwe laseNingizimu-Afrika, 1996, uMasipala uthi uzonikeza abanikazi izinxephezelo ezinqunywe ngokwesigaba 12(1) somthetho i-Expropriation Act, 1975, sifundwa nesigaba 25(3) soMthethosisekelo wezwe laseNingizimu-Afrika, 1996, kanye nesamba ngaphansi kwesigaba 12(2)(b) somthetho i-Expropriation Act, 1975.

**UKUKHOKHWA** kwalesi sinxephezelo kuzokwenziwa ngaphansi kwesigaba 11(1) somthetho i-Expropriation Act, 1975.

**KUFANELE KUQASHELWE** ukuthi uma isiqashi sinelungelo ngenxa yesivumelwano sokuqashiselana okukhulunywe ngaso esigabeni 9(1)(d)(i) soMthetho, kulo mhlaba odliwayo uMasipala angazi lutho ngaso ngesikhathi sokukhishwa kwalesi saziso, lesi sinxephezelo uMasipala athi uzosikhokha singahoxiswa.

**QAPHELA** iSigaba 9(1) no-12, (ikakhulu izigatshana 3(a)(ii) no-(4) ezibalulwe lapha ngenzansi) zoMthetho, ikakhulu izibopho onazo ngaphansi kwalo Mthetho. Lezi zigaba ziyaphindwa lapha ngenzansi (lapho kuthi khona 'uNgqongqoshe' noma 'uHulumeni' kufanele kufundwe ngokuthi 'uMasipala').

9. Izibopho zomnikazi womhlaba odliwayo noma ozosetshenziswa nguHulumeni. –

(1) Umnikazi umhlaba wakhe odliwe ngokulawula koMthetho, kuyothi, zingakapheli izinsuku ezingu 60 kusukela osukwini okuphume ngalo lesi saziso, athumele noma enze ukuba kuthunyelwe kuNgqongqoshe isitatimende esibhaliwe esikhombisa –

- a. ukuthi esazisweni sokudliwa komhlaba kwaba khona yini isinxephezelo okwathiwa uzosinikwa ngalowo mhlaba, noma ngabe uyasamukela leso sinxephezelo noma cha, uma engasemukeli, leso samba esibizwa uyena njengesinxephezelo nokuthi yingxenyengakanani yaleso samba emaqondana nalezi zamba okukhulunywa ngazo ezigabeni 12(1)(a)(i) no-(ii) noma (b) neminingwane ephilelele yokuthi zakheke kanjani lezo zamba;
- b. uma kungekho sinxephezelo okuthiwe uzonikwa sona, imali ayibizayo njengesinxephezelo nokuthi ingakanani kuleso samba imali eyileyo ebalulwe eSigabeni 12(1)(a)(i) no (ii) noma (b) kanye neminingwane ephilelele yokuthi le mali ibalwe kanjani;

- c. uma okudliwa ngokomthetho kungumhlaba futhi kubizwa noma yisiphi isamba sibizwa njengokulawula kwesigatshana (a) noma (b), imininingwane ephethele ephathelene nokwakhiwe kulo mhlaba/nokulungiswa okwenziwe kuwo, ngokubona komnikazi, okunomthelela enanini lalowo mhlaba;
- d. uma okudliwa ngokomthetho kungumhlaba-
  - (i) okwathi ngaphambi kosuku lwesaziso wawuqashisiwe, wona wonke noma ingxenye yawo, ngesivumelwano esingabhalisiwe, igama nekheli lesiqashi, bese lokhu kuphelezela yisivumelwano noma ikhophi yaso eqinisekisiwe, uma sibhalwe phansi, noma imininingwane ephethele yesivumelwano, uma singabhalisiwe phansi;
  - (ii) okwathi ngaphambi kosuku lwesaziso, wadayiswa ngumniniwo, igama nekheli lomthengi, liphelezela yisivumelwano sokuthengiselana noma ikhophi yaso eqinisekisiwe;
  - (iii) okwakhiwe kuwo ibhilidi elingaphansi kwesibambiso sikamakhi kuze kukhokhwe imali akweletwa yona ngaphansi kwesivumelwano sokwakha esibhalwe phansi, igama nekheli likamakhi futhi lokhu kuphelezela yisivumelwano sokwakha noma yikhophi yaso eqinisekisiwe;
  - (iv) .....
- e. ikheli lalapho umnikazi afisa ukuba ezinye izincwadi eziphathelele nokudliwa komhlaba ziposelwe, zihanjiswe noma zithunyelwe khona.

Kweyame ekuthini uNgqongqoshe ngokubona kwakhe angasengeza lesi sikhathi esishiwo esiyizinsuku ezingamashumi ayisithupha, nokuthi futhi uma umnikazi embhalela uNgqongqoshe emcela zingakapheli izinsuku ezingamashumi amathathu kusukela osukwini lokuphuma kwesaziso, ukuba uNgqongqoshe aselule lesi sikhathi esesishiwo esiyinsuku ezingamashumi ayisithupha, uNgqongqoshe uyoselula lesi sikhathi ngokwengeza ezinye izinsuku ezingamashumi ayisithupha.

(2) .....

(3) Uyanxuswa ukuba zithi zingakapheli izinsuku ezingamashumi ayisithupha (60) kusukela osukwini lwalesi saziso -

- (b) ulethe noma udale ukuba kulethwe kuMasipala, kuleli kheli elishiwo ngenzansi amatayitela obunikazi alo mhlaba odliwa nguMasipala, noma uma lawo matayitela obunikazi engekho kuwena noma engekho ngaphansi kolawulo lwakho, ulethe igama nekheli lomuntu akuyena lamatayitela;

12. Isisekelo okuklanyelwa phezu kwaso isinxephezelo –
- (1) Isinxephezelo esizokhokhelwa umnikazi ngaphansi kwalo Mthetho ngomhlaba odliwe ngaphansi kwalo Mthetho, noma ngokuthathwa kwelungelo lokusebenzisa umhlaba ngeke, ngaphansi kwemibandela yesigatshana (2) salo Mthetho, seke -
- (a) maqondana nanoma yimuphi umhlaba ngaphandle kwelungelo, okungelona ilungelo lokumbiwa phansi-
- (i) isamba lowo mhlaba obungadayiswa ngaso uma ubudayiswa emakethe evulekile ngokuvumelana komthengi nomdayisi ngosuku lwesaziso, kanye
- (ii) nemali yokubhekela noma yikuphi ukulahlekelwa kwangempela okudalwe ukudliwa kwalowo mhlaba; kanti
- (b) maqondana nelungelo, ngaphandle kwelokumbiwa phansi elibhalisiwe, isamba sokubhekela ukulahlekelwa kwangempela ngokwezimali okudalwe ukuthathwa kwalelo lungelo: Ngaphansi kombandela wokuthi lapho umhlaba odliwe owohlobo olungedayiswe emakethe evulekile, isinxephezelo singanqunywa -
- (aa) ngokwesilinganiso sesamba sezindleko zokwakha kabusha izakhiwo ezikulowo mhlaba odliwayo, kube kubhekwe nokwehla kwenani lazo ngenxa yanoma yisiphi isizathu kanjengoba kunqunyiwe ngosuku lwesaziso sokudliwa kwalowo mhlaba; noma
- (bb) nganoma iyiphi enye indlela efanele.
- (2) Yize noma kungathiwani kwesinye isigaba salo Mthetho, kepha esambeni esiphelele sesinxephezelo esiyokhokhwa ngaphansi kwesigatshana (1) kuyokwengezwa imali –
- (a) engamaphesenti ayishumi aleso samba sesisonke, uma singeqi ku-R100 000; kanye
- (b) namaphesenti amahlanu aleso samba eyeqa ngaso ku-R100 000, uma singeqi ku-R500 000; kanye
- (c) namaphesenti amathathu aleso samba eyeqa ngaso ku-R500 000, uma singeqi ku-R1 000 000; kanye
- (d) nephesenti elilodwa (kodwa kungeqi ku-R10 000) laleso samba eyeqela ngaso ku-R1 000 000.
- (3) (a) Inzalo eklanywe ngokulawula kweSigaba 26(1) sika-Exchequer and Audit Act, 1975 (uMthetho 66 ka-1975), ngaphansi kwemibandela

yesigatshana (4), iyokhokhwa kusukela ngosuku uMasipala athatha ngalo ubunikazi bendawo leyo ngokulawula kweSigaba 8(3) noma (5) kunoma iyiphi ingxenye esilele yesamba sesinxephezelo okumele sikhokhwe ngokwesigatshana (1): Kweyame ekuthini –

- (i) maqondana nalokhu okukhulunywa ngakho esigabeni 21(4), maqondana nesikhathi esibalwa kusukela ekupheleni kwezinsuku ezingamashumi amathathu kusukela osukwini-
    - (aa) lowo mhlaba owathathwa ngalo, uma ngaphambi kwalolo suku kwavunyelwana ngesinxephezelo; noma
    - (bb) leso sinxephezelo kwavunyelwana ngaso, uma emva kwalolo suku kwavunyelwana ngaso,kuya osukwini okwaxazululwa ngalo umbango noma ukungabaza okwaxazululwa ngalo noma umnikazi nomthengi noma umakhi wabikela uNgqongqoshe ngaphansi kweSigaba 21(4) ngokukhokhwa kwemali yesinxephezelo, ingxenye esasele okufanele ikhokhwe, ngezizathu zokubala inzalo, kuyothathwa ngokuthi akusona isamba esisakweletwa; futhi
  - (ii) uma umnikazi ehluleka ukulandela izimiso zeSigaba 9 singakadluli lesi sikhathi esinqunyiwe okukhulunywa ngaso kulesi Sigaba esesishiwo, leyo mali okuyobe kumele ikhokhwe ngaleso sikhathi salokho kwehluleka futhi maqondana nokukhokhwa kwenzalo kuyothathwa ngokuthi akuyona imali engakhokhiwe edinga ukukhokhwa.
- (b) Inzalo okufanele ikhokhwe ngokwesigatshana (a) kuyothathwa ngokuthi ikhokhiwe ngosuku leyo mali eyokhishwa ngalo noma iposelwe kumnikazi.
- (c) Noma iyiphi idiphozi, inkokhelo noma ukusetshenziswa kwanoma isiphi isamba semali ngaphansi kwesigaba 11(1), 20 (2) noma 21 (1) noma (4) kuyothathwa ngokuthi yinkokhelo enikezwa umnikazi, kanti akukho nzalo ngaphansi kwesigatshana (a) okuyofanele ikhokhelwe leyo mali kusukela ngosuku ekhokhwe ngalo, efakwe ngalo ebhange noma esetshenziswe ngalo.
- (4) Uma umnikazi womhlaba odliwe ehlala noma esebenzisa lowo mhlaba noma ingxenye yawo, akukho nzalo, maqondana naleso sikhathi ahlala ngaso kulowo mhlaba noma asebenzisa ngaso lowo mhlaba, eyokhokhwa ngaphansi kwesigatshana (3) kuleyo mali esasele, ngokubona kukaNgqongqoshe emaqondana nalowo mhlaba osetshenziswayo.

- (5) Ekunqumeni isinxephezelo esizokhokhwa ngaphansi kwalo Mthetho, kuyosebenza le migomo elandelayo, –
- (a) angeke kubhekelelwe ukuthi umhlaba odliwe noma amalungelo okusebenzisa umhlaba kuthathwe ngaphandle kwemvume yomnikazi;
  - (b) ukufaneleka kwalowo mhlaba noma kwaleso sakhiwo ukwenza umsebenzi uHulumeni adinga ukuwenza kusona ngeke kusetshenziswe ekubaleni isinxephezelo uma bekungelindeleke ukuba leso sakhiwo sithengelwe ukwenza lowo msebenzi emakethe evulekile noma ukuthi ilungelo lokusebenzisa lowo mhlaba usetshenziswa ngaleyo ndlela belingathengwa;
  - (c) uma inani lalowo mhlaba lenyukile ngenxa yokusetshenziswa kwawo ngendlela engekho emthethweni, lokho kwenyuka kwenani kuyoshaywa indiva;
  - (d) ukwakha okwenziwe emva kosuku lwalesi saziso (ngaphandle kwalapho kwakudingekile khona ukuze isakhiwo sigcinwe sisesimweni noma lapho kwenziwa ngenxa yezibopho ezenziwa ngaphansi kwalolo suku) ngeke kubalwe;
  - (e) angeke abalwe amalungelo angabhalisiwe maqondana nomhlaba noma maqondana nanoma yimuphi umonakalo odaleke ngenjongo yokuthola isinxephezelo;
  - (f) noma yikuphi ukwenyuka noma ukwehla enanini lomhlaba okwenzeke emva noma ngaphambi kosuku lwesaziso, okudaleke ngenxa yezinjongo zokudliwa kwawo noma ukusetshenziswa okuhlongozwayo kwawo noma okudalwe yinoma yimuphi umsebenzi noma isenzo sikaHulumeni noma umsebenzi ahlose ukuwenza kulowo mhlaba, ngeke kubalwe;
  - (g) ....
  - (h) Kuyophinde kubalwe -
    - (i) noma yikuphi ukusizakala okuyotholwa umuntu onxeshezelayo nganoma yimuphi umsebenzi wokwakha owenziwa uHulumeni noma ukwakha okwenziwa uHulumeni ekwenzela lowo muntu ngenjongo yokumnxephezela ngokuphelele noma ingxenye ngokulahlekelwa kwakhe ngenxa yokudliwa komhlaba wakhe noma ukuthathwa kwamalungelo akhe okusebenzisa umhlaba/isakhiwo sakhe;
    - (ii) noma yisiphi isibonelelo esitholwa umuntu ngenxa yokudliwa komhlaba wakhe noma ngokusetshenziswa kwawo ngenjongo

owadlwa yona noma injongo owadlwa yona amalungelo okuwusebenzisa;

- (iii) ....
- (iv) Noma isilinganiso esingakanani samanzi lowo muntu onxeshezwayo amelungelo lawo ngaphansi noma asethubeni lokuba nelungelo lawo ngaphansi komthetho i-Water Act, 1956 (Umthetho No. 54 ka-1956), noma nanoma yimuphi omunye umthetho.
- (v) .....
- (vi) .....

Umuntu okungaxhunyanwa naye kuMasipala maqondana nalesi saziso yilowo igama lakhe neminingwane yakhe okubhalwe ekugcineni kwalesi saziso. Izaziso okudingeka ukuba zithunyelwe kuMasipala kufanele zihanjiswe kuleli kheli elisekugcineni kwalesi saziso.

SIBUSISO SITHOLE  
IMENENJA KAMASIPALA WASETHEKWINI

Usuku: 10 Ephreli 2014

cc Registrar of Deeds  
Private Bag X9028  
PIETERMARITZBURG  
3200

**OKUNGAXHUNYANWA NAYE:** Njabulo Maseko wakwa-Maseko Mbatha and Associates  
Attorneys

**IMININGWANE YOKUXHUMANA NAYE:**

Ikheli lomgwaqo: 28 Kent Road Suite Floor 2<sup>nd</sup> Floor Stamford Building Durban  
Ikheli leposi: P.O. Box 3995 Durban 4000  
Ikheli leposi: 031-309 1691/ 031-309 4813  
Ifeksi : 086 245 1357  
e-Mail: info@abameli.co.za

**OKUNGAXHUNYANWA NAYE:** Jeffrey Naidoo

**IMINININGWANE YOKUXHUMANA NAYE:** Jeffrey Naidoo

Ikheli lomgwaqo: 17 Doveside Close, PHOENIX

Ikheli leposi: PO Box 3858, Durban 4000

Ucingo: 031-3112476

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No. 16

20 May 2014

**Statutory Notice No. 2715****Notice of Expropriation**

Issued by the eThekweni Municipality

In terms of Section 9(3) of the Housing Act, 1997 (Act No. 63 of 1997)

Read with Sections 1, 6 to 15 and 18 to 23 of the Expropriation Act, 1975 (Act No. 63 of 1975) as amended read with Section 25(2) of the Constitution of the Republic of South Africa, 1996.

**TO: VARIOUS LAND OWNERS AS PER LIST BELOW**

**AND TO:** All other persons claiming any right to or interest in the land described in this Notice of Expropriation whether by virtue of registration or otherwise, and particularly any lessee, buyer or builder contemplated in terms of Section 9(1)(d) of the Expropriation Act, 1975.

**NOTICE** is hereby given in terms of Section 7, read with Section 5(2) of the Expropriation Act No. 63 of 1975 (the Act) that the eThekweni Municipality (the Municipality), being unable to purchase the said land on reasonable terms through negotiation with the owners of the land and having obtained the permission of the Member of the Executive Committee of the Province of KwaZulu-Natal responsible for housing matters in the province on 31 March 2014, hereby expropriates the land described hereunder under powers vested in it by Section 9(3) of the Housing Act No. 107 of 1997 (the Housing Act) and Section 5 of the Act, for public purposes, in particular for the purposes of a national housing programme as defined in Section 1 of the Housing Act.

The land being expropriated and ownership is as follows:

**JADHU PLACE HOUSING PROJECT**

NO	PROPERTY DESCRIPTION	LANDOWNER	EXTENT	TITLE DEED NUMBER
1	ERF 72 SPRINGFIELD	IYAKANNU NARRAINSAMY; G ARRAN	8094 SQM	T3672/1928; T4231/1919
2	REM OF ERF 73 SPRINGFIELD	KREESENS INV (PTY) LTD	5994 SQM	7225/1967
3	REM OF ERF 74 SPRINGFIELD	P KARIMBYRAM	3877SQM	T27591/1981 T27592/1981
4	REM OF 45 OF ERF 225 SPRINGFIELD	BHUGMATIA	2678SQM	T7397/1951
5	REM OF 47 OF ERF 225 SPRINGFIELD	PORT GLADE CC	2738SQM	T20453/1991
6	PORTION 68 (OF 42) OF ERF 225 SPRINGFIELD	O & F MARINOVER CC	1012SQM	T19866/1991
7	PORTION 155 (OF 73) OF ERF 225 SPRINGFIELD	MICROZONE TRADING 1012 CC	1009SQM	T38704/2007
8	REM OF 6 OF ERF 234 SPRINGFIELD	GURCHARAN	2684SQM	T91271/1960
9	REM OF 7 OF ERF 234 SPRINGFIELD	A.PAPA	3692SQM	T9909/1982

10	REM OF 8 OF ERF 234 SPRINGFIELD	AHLUL-BAIT(A.S) TRUST	2267SQM	T40599/2012
11	PORTION 100 OF ERF 234 SPRINGFIELD	P.RAMRAJH	996SQM	T24537/1993
12	PORTION 101 OF ERF 234 SPRINGFIELD	N. PARBHUCHARAN	879SQM	T11993/1996; T14126/1999
13	PORTION 102 OF ERF 234 SPRINGFIELD	S.BARUTH	880SQM	T16037/1992
14	PORTION 119 (OF 80 OF ERF 234 SPRINGFIELD	M.MAHABEER	2267SQM	T1631/1988

PLEASE NOTE THE FOLLOWING:

- a. The date of expropriation shall be 25 April 2014 with effect from which date, where applicable, ownership of the said land will pass to the Municipality.
- b. The date upon which the Municipality will take possession of the said property shall be 25 April 2014.
- c. Where land is expropriated, with effect from the date of possession of the land by the Municipality, but not before such date, the Owner(s) will be relieved of the obligation to take care of and maintain the land and to pay taxes and other charges thereon, and will no longer be entitled to the use of and any income from the land.
- d. Where the property has been partially expropriated, at the request of the Owner(s) this notice shall be deemed to include the remainder of the property or part thereof in terms of Section 2 of the Act, provided that the Municipality is satisfied that such remainder has been rendered useless by the expropriation.
- e. The costs of the survey required and the survey itself will be borne and undertaken by the Municipality.

In terms of section 10(1) of the Expropriation Act, 1975, read with section 25(3) of the Constitution of the Republic of South Africa, 1966, the Municipality hereby offers compensation to the Owners amounts determined in terms of section 12(1) of the Expropriation Act, 1975, for the land hereby expropriated, read with section 25(3) of the Constitution of the Republic of South Africa Act, 1996, together with a sum in terms of section 12(2)(b) of the Expropriation Act, 1975.

**PAYMENT** of the compensation offered will be made in terms of section 11(1) of the Expropriation Act, 1975.

**ATTENTION** is drawn to the fact that if a lessee has a right by virtue of a lease contemplated in section 9(1)(d)(i) of the Act, in respect of the land expropriated of which the Municipality has no knowledge on the date of this Notice, the aforementioned offer of compensation may be withdrawn.

**YOUR ATTENTION** is directed to the provisions of Section 9(1) and 12, (in particular sub-sections 3(a)(ii) and (4) highlighted below) of the Act and in particular to the obligations which you must comply with under the said sections. For your convenience, the sections are reproduced here (please read Municipality where it states 'Minister' or 'State').

9. Duties of owner of property expropriated or which is to be used by State. –

- (1) An owner whose property has been expropriated in terms of this Act, shall, within sixty days from the date of notice in question, deliver or cause to be delivered to the Minister a written statement indicating-
  - (a) if any compensation was in the notice of expropriation offered for such property, whether or not he accepts that compensation and, if he does not accept it, the amount claimed by him as compensation and how much of that amount represents each of the respective amounts contemplated in section 12(1)(a)(i) and (ii) or (b) and full particulars as to how such amounts are made up;
  - (b) if no such compensation was so offered, the amount claimed as compensation by him and how much of that amount represents each of the respective amounts contemplated in section 12(1)(a)(i) and (ii) or (b) and full particulars as to how such amounts are made up;
  - (c) if the property expropriated is land and any amount is claimed in terms of paragraph (a) or (b), full particulars of all improvements thereon which, in the opinion of the owner, affect the value of such land;
  - (d) if the property being expropriated is land-
    - (i) which prior to the date of notice was leased as a whole or in part by unregistered lease, the name and address of the lessee, and accompanied by the lease or a certified copy thereof, if it is in writing, or full particulars of the lease, if it is not in writing;
    - (ii) which, prior to the date of notice, was sold by the owner, the name and address of the buyer, and accompanied by the contract of purchase and sale or a certified copy thereof;
    - (iii) on which a building has been erected which is subject to a builder's lien by virtue of a written building contract, the name and address of the builder, and accompanied by the building contract or a certified copy thereof;
  - (e) indicate the address to or at which you desire that further documents in connection with the expropriation may be posted or delivered.

Provided that the Minister may at his discretion extend the said period of sixty days, and that, if the owner requests the Minister in writing within thirty days as from the date of notice to extend the said period of sixty days, the Minister shall extend such period by a further sixty days.

(2) .....

(3) You are hereby requested, within sixty (60) days of the date of this notice, to -

- (a) deliver or cause to be delivered to the Municipality at the address stated hereunder the title deeds of the property hereby expropriated or, if such document is not in your possession or under your control, the name and address of the person in whose possession or under whose control it is;

12. Basis on which compensation is to be determined. –

(1) The amount of compensation to be paid in terms of this Act to an owner in respect of property expropriated in terms of this Act, or in respect of the taking, in terms of this Act, of a right to use property, shall not, subject to the provisions of subsection (2), exceed-

(a) in the case of any property other than a right, excepting a registered right to minerals, the aggregate of-

- (i) the amount which the property would have realized if sold on the date of Notice in the open market by a willing seller to a willing buyer, and
- (ii) an amount to make good any actual financial loss caused by the expropriation; and

(b) in the case of a right, excepting a registered right to minerals, an amount to make good any actual financial loss caused by the expropriation or the taking of the right:

Provided that where the property expropriated is such nature that there is no open market therefor, compensation therefor may be determined-

- (aa) on the basis of the amount it would cost to replace the improvements on the property expropriated, having regard to the depreciation thereof for any reason, as determined on the date of notice; or
- (bb) in any other suitable manner.

(2) Notwithstanding anything to the contrary contained in this Act there shall be added to the total amount payable in accordance with subsection (1), an amount equal to –

- (a) ten per cent of such total amount, if it does not exceed R100 000; plus
- (b) five per cent of the amount by which it exceeds R100 000, if it does not exceed R500 000; plus
- (c) three per cent of the amount by which it exceeds R500 000, if it does not exceed R1 000 000; plus
- (d) one per cent (but not amounting to more than R10 000) of the amount by which it exceeds R1 000 000.

- (3) (a) Interest at the standard interest rate determined in terms of section 26 (1) of the Exchequer Act, 1975 (Act No. 66 of 1975), shall, subject to the provision of subsection (4), be payable from the date on which the State takes possession of the property in question in terms of section 8 (3) or (5) on any outstanding (1): Provided that –
- (i) in a case contemplated in section 21 (4), in respect of the period calculated from the termination of thirty days from the date on which-
- (aa) the property was so taken possession of, if prior to that date compensation for the property was offered or agreed upon; or
- (bb) such compensation was offered or agreed upon, if after that date it was offered or agreed upon,
- to the date on which the dispute was settled or the doubt was resolved or the owner and the buyer or the mortgagee or the builder notified the Minister in terms of the said section 21 (4) as to the payment of the compensation money, the outstanding portion of the amount so payable shall, for the purposes of the payment of interest, be deemed not to be an outstanding amount; and
- (ii) if the owner fails to comply with the provision of section 9 within the appropriate period referred to in the said section, the amount so payable shall during the period of such failure and for the purpose of the payment of interest be deemed not to be an outstanding amount.
- (b) Interest payable in terms of paragraph (a) shall be deemed to have been paid on the date on which the amount has been made available or posted to the owner concerned.
- (c) Any deposit, payment or utilization of any amount in terms of section 11(1), 20 (2) or 21 (1) or (4) shall be deemed to be a payment to the owner, and no interest shall in terms of paragraph (a) be payable on any such amount as from the date on which it has been so deposited, paid or utilized.
- (4) If the owner of property which has been expropriated occupies or utilizes that property or any portion thereof, no interest shall, in respect of the period during which he so occupies or utilizes it, be paid in terms of subsection (3) on so much of the outstanding amount as, in the opinion of the Minister, relates to the property or utilized.
- (5) In determining the amount of compensation to be paid in terms of this Act, the following rules shall apply, namely –
- (a) no allowance shall be made for the fact that the property or the right to use property has been taken without the consent of the owner in question;
- (b) the special suitability or usefulness of the property in question for the purpose for which it is required by the State, shall not be taken into account if it is unlikely that the property would have been purchased for that purpose on the open market or that the right to use the property for that purpose would have been so purchased;

- (c) if the value of the property has been enhanced in consequence of the use thereof in a manner which is unlawful, such enhancement shall not be taken into account;
- (d) improvements made after the date of notice on or to the property in question (except where they were necessary for the property maintenance of existing improvements or where they were necessary for the property maintenance of existing improvements or where they were undertaken in pursuance of obligations entered into before that date) shall not be taken into account;
- (e) no allowance shall be made for any unregistered right in respect of any other property or for any indirect damage or anything done with the object of obtaining compensation therefor;
- (f) any enhancement or depreciation, before or after the date of notice, in the value of the property in question, which may be due to the purpose for which or in connection with which the property is being expropriated or is to be used, or which is a consequent of any work or act which the State may carry out or perform or already has carried out or performed or intends to carry out or perform in connection with such purpose, shall not be taken into account;
- (g) ....
- (h) Account shall also be taken of -
  - (i) any benefit which will ensure to the person to be compensated from any works which the State has built or constructed or has undertaken to build or construct on behalf of such person to compensate him in whole or in part for any financial loss which he will suffer in consequence of the expropriation or, as the case may be, the taking of the right in question;
  - (ii) any benefit which will ensure to such person in consequence of the expropriation of the property or the use thereof for the purpose for which it was expropriated or, as the case may be, the right in question was taken;
  - (iii) ....
  - (iv) Any relevant quantity of water to which the person to be compensated is entitled or which is likely to be granted to him, in terms of the provisions of the Water Act, 1956(Act No. 54 of 1956), or any other law.
  - (v) .....
  - (vi) .....

COMMUNICATION with the Municipality in connection with any matter arising from or related to this Notice of Expropriation must be conducted with the Contact Person whose name is set out at the foot of this Notice and whose contact details are also set out there. Formal Notices required to be served on the Municipality must be delivered to the address provided in the Contact details at the foot of this Notice.

SIBUSISO SITHOLE  
CITY MANAGER  
ETHEKWINI MUNICIPALITY

Date: 10 April 2014

cc Registrar of Deeds  
Private Bag X9028  
PIETERMARITZBURG  
3200

**CONTACT PERSON: NJABULO MASEKO OF MASEKO MBATHA AND  
ASSOCIATES ATTORNEYS**

CONTACT DETAILS:

Physical Address: 28 Kent Road Suite Floor 2<sup>nd</sup> Floor Stamford Building Durban

Postal Address: P.O. Box 3995 Durban 4000

Telephone No: 031 309 1691/ 031 309 4813

Fax No. : 086 245 1357

e-Mail address: [info@abameli.co.za](mailto:info@abameli.co.za)

**CONTACT PERSON: JEFFREY NAIDOO**

CONTACT DETAILS:

Physical Address: 17 Doveside Close, PHOENIX

Postal Address: P O Box 3858, Durban 4000

Telephone No: 031 – 3112476

Fax No.: 031 – 5054195

e-Mail address: [Jeffrey.naidoo@durban.gov.za](mailto:Jeffrey.naidoo@durban.gov.za)

No. 16

20 kuNhlaba 2014

## Isaziso No. 2715

## Isaziso sokudliwa ngokomthetho komhlaba

Sikhishwa uMasipala waseThekwini  
ngaphansi kweSigaba 9(3) somthetho i-Housing Act, 1997 (uMthetho No. 63 ka-1997),  
sifundwa neZigaba 1,6 kuya ku-15 no-18 kuya ku-23 zomthetho i-Expropriation Act, 1975  
(uMthetho No. 63 ka-1975) ufundwa neSigaba 25(2) soMthethosisekelo waseRiphabhliki  
yaseNingizimu-Afrika, 1996

SIYA: KUBANIKAZI BALE MIHLABA EBALULELWE KULOLUHLA OLULAPHA NGEZANSI

KANYE: Nakubo bonke abanye abantu abathi bananoma yimaphi amalungelo noma amagunya kule mhlaba echazwe kulesi saziso, ngenxa yokuba babhalisile noma ngenye indlela, futhi ikakhulukazi noma yisiphi isiqashi, umthengi noma umakhi ophathekayo ngokwemibandela yeSigaba 9(1)(d) somthetho i-Expropriation Act ka-1975.

LESI yisaziso ngaphansi kweSigaba 7, sifundwa neSigaba 5(2) soMthetho i-Expropriation Act (uMthetho No. 63 ka-1975) (uMthetho) sokuthi uMasipala waseThekwini (uMasipala), ngenxa yokuthi akakwazanga ukuthenga ngentengo eyamukelekile lo mhlaba ochazwe lapha ngokuxoxisana nabanikazi bawo futhi emva kokuthi esethole imvume kaNgqongqoshe ofanele weSifundazwe saKwaZulu-Natali ophethe ezezindlu mhla ka-31 Mashi 2014, ngalokhu uyawudla lo mhlaba ochazwe lapha ngenzansi ngegunya alinikwe yiSigaba 9(3) somthetho i-Housing Act No. 107 ka-1997 kanye neSigaba 5 soMthetho, ngenjongo yokuba kusizakale umphakathi ngaphansi kohlelo lukazwelonke lokwakhela umphakathi izindlu kanjengoba kuchaziwe eSigabeni 1 soMthetho Wezezindlu.

Lo mhlaba odlwayo uchazwe kanje:

## IPHROJEKTHI YEZINDLU YASE-JADHU PLACE

NO	INCAZELO YOMHLABA	UMNIKAZI	UBUKHULU	ITAYITELA
1	ERF 72 SPRINGFIELD	IYAKANNU NARRAINSAMY; G ARRAN	8094 SQM	T3672/1928; T4231/1919
2	REM OF ERF 73 SPRINGFIELD	KREESENS INV (PTY) LTD	5994 SQM	7225/1967
3	REM OF ERF 74 SPRINGFIELD	P KARIMBYRAM	3877SQM	T27591/1981 T27592/1981
4	REM OF 45 OF ERF 225 SPRINGFIELD	BHUGMATIA	2678SQM	T7397/1951
5	REM OF 47 OF ERF 225 SPRINGFIELD	PORT GLADE CC	2738SQM	T20453/1991
6	PORTION 68 (OF 42) OF ERF 225 SPRINGFIELD	O & F MARINOVER CC	1012SQM	T19866/1991



7	PORTION 155 (OF 73) OF ERF 225 SPRINGFIELD	MICROZONE TRADING 1012 CC	1009SQM	T38704/2007
8	REM OF 6 OF ERF 234 SPRINGFIELD	GURCHARAN	2684SQM	T91271/1960
9	REM OF 7 OF ERF 234 SPRINGFIELD	A.PAPA	3692SQM	T9909/1982
10	REM OF 8 OF ERF 234 SPRINGFIELD	AHLUL-BAIT(A.S) TRUST	2267SQM	T40599/2012
11	PORTION 100 OF ERF 234 SPRINGFIELD	P.RAMRAJH	996SQM	T24537/1993
12	PORTION 101 OF ERF 234 SPRINGFIELD	N. PARBHUCHARAN	879SQM	T11993/1996; T14126/1999
13	PORTION 102 OF ERF 234 SPRINGFIELD	S.BARUTH	880SQM	T16037/1992
14	PORTION 119 (OF 80 OF ERF 234 SPRINGFIELD	M.MAHABEER	2267SQM	T1631/1988

#### NIYANXUSWA UKUBA NIQAPHELE LOKHU:

- Usuku lokudla lo mhlaba umhla ka-25 Ephreli 2014 kanti kusukela ngalolo suku ubunikazi balo mhlaba buzodlulela kuMasipala.
- Usuku uMasipala azothatha ngalo lo mhlaba oshiwo umhla ka-25 Ephreli 2014.
- Lapho kudliwa umhlaba, kusukela ngosuku ubunikazi balowo mhlaba obuthathwa ngalo nguMasipala, kodwa hhayi ngaphambi kwalolu suku, umnikazi uyokhululwa kulezo zibopho zokuba awunakekele futhi awugcine usesimweni lowo mhlaba nokuwukhokhela intela kanye nezinye izimali ezibizwayo, futhi ngeke esavunyelwa ukuwusebenzisa lo mhlaba futhi ngeke esaba namalungelo emali engeniswa yiwo.
- Lapho kudliwe ingxenye yomhlaba, ngokwesicelo somnikazi lesi saziso kuyothathwa ngokuthi sifaka nale ngxenye eseleyo yalowo mhlaba noma ingxenye yawo ngokwesigaba 2 soMthetho, inqobo nje uma uMasipala anelisekile ngokuthi le ngxenye eseleyo ayisenamsebenzi ngenxa yalokhu kudliwa ngokomthetho kwale enye ingxenye.
- Izindleko zanoma yikuphi ukudatshulwa komhlaba okudingekayo ziyothwalwa nguMasipala kanti nokudatshulwa uqobo lwakho kuyokwenziwa nguMasipala.

Ngokwesigaba 10(1) soMthetho i-Expropriation Act, 1975, sifundwa nesigaba 25(3) soMthethosisekelo wezwe laseNingizimu-Afrika, 1996, uMasipala uthi uzonikeza abanikazi izinxephezelo ezinqunywe ngokwesigaba 12(1) somthetho i-Expropriation Act, 1975, sifundwa nesigaba 25(3) soMthethosisekelo wezwe laseNingizimu-Afrika, 1996, kanye nesamba ngaphansi kwesigaba 12(2)(b) somthetho i-Expropriation Act, 1975.

**UKUKHOKHWA** kwalesi sinxephezelo kuzokwenziwa ngaphansi kwesigaba 11(1) somthetho i-Expropriation Act, 1975.

**KUFANELE KUQASHELWE** ukuthi uma isiqashi sinelungelo ngenxa yesivumelwano sokuqashiselana okukhulunywe ngaso esigabeni 9(1)(d)(i) soMthetho, kulo mhlaba odliwayo uMasipala angazi lutho ngaso ngesikhathi sokukhishwa kwalesi saziso, lesi sinxephezelo uMasipala athi uzosikhokha singahoxiswa.

**QAPHELA** iSigaba 9(1) no-12, (ikakhulu izigatshana 3(a)(ii) no-(4) ezibalulwe lapha ngenzansi) zoMthetho, ikakhulu izibopho onazo ngaphansi kwalo Mthetho. Lezi zigaba ziyaphindwa lapha ngenzansi (lapho kuthi khona 'uNgqongqoshe' noma 'uHulumeni' kufanele kufundwe ngokuthi 'uMasipala').

9. Izibopho zomnikazi womhlaba odliwayo noma ozosetshenziswa nguHulumeni. –

(1) Umnikazi umhlaba wakhe odliwe ngokulawula koMthetho, kuyothi, zingakapheli izinsuku ezingu 60 kusukela osukwini okuphume ngalo lesi saziso, athumele noma enze ukuba kuthunyelwe kuNgqongqoshe isitatimende esibhaliwe esikhombisa –

- a. ukuthi esazisweni sokudliwa komhlaba kwaba khona yini isinxephezelo okwathiwa uzosinikwa ngalowo mhlaba, noma ngabe uyasamukela leso sinxephezelo noma cha, uma engasemukeli, leso samba esibizwa uyena njengesinxephezelo nokuthi yingxenye engakanani yaleso samba emaqondana nalezi zamba okukhulunywa ngazo ezigabeni 12(1)(a)(i) no-(ii) noma (b) neminingwane ephelele yokuthi zakheke kanjani lezo zamba;
- b. uma kungekho sinxephezelo okuthiwe uzonikwa sona, imali ayibizayo njengesinxephezelo nokuthi ingakanani kuleso samba imali eyileyo ebalulwe eSigabeni 12(1)(a)(i) no (ii) noma (b) kanye neminingwane ephelele yokuthi le mali ibalwe kanjani;
- c. uma okudliwa ngokomthetho kungumhlaba futhi kubizwa noma yisiphi isamba sibizwa njengokulawula kwesigatshana (a) noma (b), iminingwane ephelele ephathelene nokwakhiwe kulo mhlaba/nokulungiswa okwenziwe kuwo, ngokubona komnikazi, okunomthelela enanini lalowo mhlaba;
- d. uma okudliwa ngokomthetho kungumhlaba-
  - (i) okwathi ngaphambi kosuku lwesaziso wawuqashisiwe, wona wonke noma ingxenye yawo, ngesivumelwano esingabhalisiwe, igama nekheli lesiqashi, bese lokhu kuphelezela yisivumelwano noma ikhophi yaso eqinisekisiwe,

uma sibhalwe phansi, noma imininingwane ephelele yesivumelwano, uma singabhalwe phansi;

- (ii) okwathi ngaphambi kosuku lwesaziso, wadayiswa ngumniniwo, igama nekheli lomthengi, liphelezwe yisivumelwano sokuthengiselana noma ikhophi yaso eqinisekisiwe;
- (iii) okwakhiwe kuwo ibhilidi elingaphansi kwesibambiso sikamakhi kuze kukhokhwe imali akweletwa yona ngaphansi kwesivumelwano sokwakha esibhalwe phansi, igama nekheli likamakhi futhi lokhu kuphelezwe yisivumelwano sokwakha noma yikhophi yaso eqinisekisiwe;
- (iv) .....

- e. ikheli lalapho umnikazi afisa ukuba ezinye izincwadi eziphathelele nokudliwa komhlaba ziposelwe, zihanjiswe noma zithunyelwe khona.

Kweyame ekuthini uNgqongqoshe ngokubona kwakhe angasengeza lesi sikhathi esishiwo esiyizinsuku ezingamashumi ayisithupha, nokuthi futhi uma umnikazi embhalela uNgqongqoshe emcela zingakapheli izinsuku ezingamashumi amathathu kusukela osukwini lokuphuma kwesaziso, ukuba uNgqongqoshe aselule lesi sikhathi esesishiwo esiyinsuku ezingamashumi ayisithupha, uNgqongqoshe uyoselula lesi sikhathi ngokwengeza ezinye izinsuku ezingamashumi ayisithupha.

(2) .....

(3) Uyanxuswa ukuba zithi zingakapheli izinsuku ezingamashumi ayisithupha (60) kusukela osukwini lwalesi saziso -

- (b) ulethe noma udale ukuba kulethwe kuMasipala, kuleli kheli elishiwo ngenzansi amatayitela obunikazi alo mhlaba odliwa nguMasipala, noma uma lawo matayitela obunikazi engekho kuwena noma engekho ngaphansi kolawulo lwakho, ulethe igama nekheli lomuntu akuyena lamatayitela;

12. Isisekelo okuklanyelwa phezu kwaso isinxephezelo –

- (1) Isinxephezelo esizokhokhelwa umnikazi ngaphansi kwalo Mthetho ngomhlaba odliwe ngaphansi kwalo Mthetho, noma ngokuthathwa kwelungelo lokusebenzisa umhlaba ngeke, ngaphansi kwemibandela yesigatshana (2) salo Mthetho, seke -

- (a) maqondana nanoma yimuphi umhlaba ngaphandle kwelungelo, okungelona ilungelo lokumbiwa phansi-

- (i) isamba lowo mhlaba obungadayiswa ngaso uma ubudayiswa emakethe evulekile ngokuvumelana komthengi nomdayisi ngosuku lwesaziso, kanye
  - (ii) nemali yokubhekela noma yikuphi ukulahlekelwa kwangempela okudalwe ukudliwa kwalowo mhlaba; kanti
- (b) maqondana nelungelo, ngaphandle kwelokumbiwa phansi elibhalisiwe, isamba sokubhekela ukulahlekelwa kwangempela ngokwezimali okudalwe ukuthathwa kwalelo lungelo: Ngaphansi kombandela wokuthi lapho umhlaba odliwe owohlobo olungedayiswe emakethe evulekile, isinxephezelo singanqunywa -
  - (aa) ngokwesilinganiso sesamba sezindleko zokwakha kabusha izakhiwo ezikulowo mhlaba odliwayo, kube kubhekwe nokwehla kwenani lazo ngenxa yanoma yisiphi isizathu kanjengoba kunqunyiwe ngosuku lwesaziso sokudliwa kwalowo mhlaba; noma
  - (bb) nganoma iyiphi enye indlela efanele.
- (2) Yize noma kungathiwani kwesinye isigaba salo Mthetho, kepha esambeni esiphelele sesinxephezelo esiyokhokhwa ngaphansi kwesigatshana (1) kuyokwengezwa imali –
  - (a) engamaphesenti ayishumi aleso samba sesisonke, uma singeqi ku-R100 000; kanye
  - (b) namaphesenti amahlanu aleso samba eyeqa ngaso ku-R100 000, uma singeqi ku-R500 000; kanye
  - (c) namaphesenti amathathu aleso samba eyeqa ngaso ku-R500 000, uma singeqi ku-R1 000 000; kanye
  - (d) nephesenti elilodwa (kodwa kungeqi ku-R10 000) laleso samba eyeqela ngaso ku-R1 000 000.
- (3) (a) Inzalo eklanywe ngokulawula kweSigaba 26(1) sika-Exchequer and Audit Act, 1975 (uMthetho 66 ka-1975), ngaphansi kwemibandela yesigatshana (4), iyokhokhwa kusukela ngosuku uMasipala athatha ngalo ubunikazi bendawo leyo ngokulawula kweSigaba 8(3) noma (5) kunoma iyiphi ingxenye esilele yesamba sesinxephezelo okumele sikhokhwe ngokwesigatshana (1): Kweyame ekuthini –
  - (i) maqondana nalokhu okukhulunywa ngakho esigabeni 21(4), maqondana nesikhathi esibalwa kusukela ekupheleni kwezinsuku ezingamashumi amathathu kusukela osukwini-

- (aa) lowo mhlaba owathathwa ngalo, uma ngaphambi kwalolo suku kwavunyelwana ngesinxephezelo; noma
  - (bb) leso sinxephezelo kwavunyelwana ngaso, uma emva kwalolo suku kwavunyelwana ngaso,
- kuya osukwini okwaxazululwa ngalo umbango noma ukungabaza okwaxazululwa ngalo noma umnikazi nomthengi noma umakhi wabikela uNgqongqoshe ngaphansi kweSigaba 21(4) ngokukhokhwa kwemali yesinxephezelo, ingxenye esasele okufanele ikhokhwe, ngezizathu zokubala inzalo, kuyothathwa ngokuthi akusona isamba esisakweletwa; futhi
- (ii) uma umnikazi ehluleka ukulandela izimiso zeSigaba 9 singakadluli lesi sikhathi esinqunyiwe okukhulunywa ngaso kulesi Sigaba esesishiwo, leyo mali okuyobe kumele ikhokhwe ngaleso sikhathi salokho kwehluleka futhi maqondana nokukhokhwa kwenzalo kuyothathwa ngokuthi akuyona imali engakhokhiwe edinga ukukhokhwa.
- (b) Inzalo okufanele ikhokhwe ngokwesigatshana (a) kuyothathwa ngokuthi ikhokhiwe ngosuku leyo mali eyokhishwa ngalo noma iposelwe kumnikazi.
  - (c) Noma iyiphi idiphozi, inkokhelo noma ukusetshenziswa kwanoma isiphi isamba semali ngaphansi kwesigaba 11(1), 20 (2) noma 21 (1) noma (4) kuyothathwa ngokuthi yinkokhelo enikezwa umnikazi, kanti akukho nzalo ngaphansi kwesigatshana (a) okuyofanele ikhokhelwe leyo mali kusukela ngosuku ekhokhwe ngalo, efakwe ngalo ebhange noma esetshenziswe ngalo.
- (4) Uma umnikazi womhlaba odliwe ehlala noma esebenzisa lowo mhlaba noma ingxenye yawo, akukho nzalo, maqondana naleso sikhathi ahlala ngaso kulowo mhlaba noma asebenzisa ngaso lowo mhlaba, eyokhokhwa ngaphansi kwesigatshana (3) kuleyo mali esasele, ngokubona kukaNgqongqoshe emaqondana nalowo mhlaba osetshenziswayo.
  - (5) Ekunqumeni isinxephezelo esizokhokhwa ngaphansi kwalo Mthetho, kuyosebenza le migomo elandelayo, –
    - (a) angeke kubhekelelwe ukuthi umhlaba odliwe noma amalungelo okusebenzisa umhlaba kuthathwe ngaphandle kwemvume yomnikazi;
    - (b) ukufaneleka kwalowo mhlaba noma kwaleso sakhiwo ukwenza umsebenzi uHulumeni adinga ukuwenza kusona ngeke kusetshenziswe ekubaleni isinxephezelo uma bekungelindeleke ukuba leso sakhiwo

- sithengelwe ukwenza lowo msebenzi emakethe evulekile noma ukuthi ilungelo lokusebenzisa lowo mhlaba usetshenziswa ngaleyo ndlela belingathengwa;
- (c) uma inani lalowo mhlaba lenyukile ngenxa yokusetshenziswa kwawo ngendlela engekho emthethweni, lokho kwenyuka kwenani kuyoshaywa indiva;
  - (d) ukwakha okwenziwe emva kosuku lwalesi saziso (ngaphandle kwalapho kwakudingekile khona ukuze isakhiwo sigcinwe sisesimweni noma lapho kwenziwa ngenxa yezibopho ezenziwa ngaphansi kwalolo suku) ngeke kubalwe;
  - (e) angeke abalwe amalungelo angabhalisiwe maqondana nomhlaba noma maqondana nanoma yimuphi umonakalo odaleke ngenjongo yokuthola isinxephezelo;
  - (f) noma yikuphi ukwenyuka noma ukwehla enanini lomhlaba okwenzeke emva noma ngaphambi kosuku lwesaziso, okudaleke ngenxa yezinjongo zokudliwa kwawo noma ukusetshenziswa okuhlongozwayo kwawo noma okudalwe yinoma yimuphi umsebenzi noma isenzo sikaHulumeni noma umsebenzi ahlose ukuwenza kulowo mhlaba, ngeke kubalwe;
  - (g) ....
  - (h) Kuyophinde kubalwe -
    - (i) noma yikuphi ukusizakala okuyotholwa umuntu onxeshezelayo nganoma yimuphi umsebenzi wokwakha owenziwa uHulumeni noma ukwakha okwenziwa uHulumeni ekwenzela lowo muntu ngenjongo yokumnxephezela ngokuphelele noma ingxenye ngokulahlekelwa kwakhe ngenxa yokudliwa komhlaba wakhe noma ukuthathwa kwamalungelo akhe okusebenzisa umhlaba/isakhiwo sakhe;
    - (ii) noma yisiphi isibonelelo esitholwa umuntu ngenxa yokudliwa komhlaba wakhe noma ngokusetshenziswa kwawo ngenjongo owadlwa yona noma injongo owadlwa yona amalungelo okuwusebenzisa;
    - (iii) ....
    - (iv) Noma isilinganiso esingakanani samanzi lowo muntu onxeshezelayo anelungelo lawo ngaphansi noma asethubeni lokuba nelungelo lawo ngaphansi komthetho i-Water Act, 1956 (Umthetho No. 54 ka-1956), noma nanoma yimuphi omunye umthetho.

(v) .....

(vi) .....

Umuntu okungaxhunyanwa naye kuMasipala maqondana nalesi saziyo yilowo igama lakhe neminingwane yakhe okubhalwe ekugcineni kwalesi saziyo. Izaziyo okudingeka ukuba zithunyelwe kuMasipala kufanele zihanjiswe kuleli kheli elisekugcineni kwalesi saziyo.

SIBUSISO SITHOLE  
IMENENJA KAMASIPALA WASETHEKWINI

Usuku: 10 Ephreli 2014

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**NOTICE – CHANGE OF TELEPHONE NUMBERS: GOVERNMENT PRINTING WORKS**

As the mandated government security printer, providing world class security products and services, Government Printing Works has adopted some of the highly innovative technologies to best serve its customers and stakeholders. In line with this task, Government Printing Works has implemented a new telephony system to ensure most effective communication and accessibility. As a result of this development, our telephone numbers will change with effect from 3 February 2014, starting with the Pretoria offices.

The new numbers are as follows:

- Switchboard : 012 748 6001/6002
- Advertising : 012 748 6205/6206/6207/6208/6209/6210/6211/6212
- Publications Enquiries : 012 748 6052/6053/6058 [GeneralEnquiries@gpw.gov.za](mailto:GeneralEnquiries@gpw.gov.za)
  - Maps : 012 748 6061/6065 [BookShop@gpw.gov.za](mailto:BookShop@gpw.gov.za)
  - Debtors : 012 748 6060/6056/6064 [PublicationsDebtors@gpw.gov.za](mailto:PublicationsDebtors@gpw.gov.za)
  - Subscription : 012 748 6054/6055/6057 [Subscriptions@gpw.gov.za](mailto:Subscriptions@gpw.gov.za)
- SCM : 012 748 6380/6373/6218
- Debtors : 012 748 6236/6242
- Creditors : 012 748 6246/6274

Please consult our website at [www.gpwonline.co.za](http://www.gpwonline.co.za) for more contact details.

The numbers for our provincial offices in Polokwane, East London and Mmabatho will not change at this stage.