



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

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PIETERMARITZBURG,

19 SEPTEMBER 2014
19 kuMANDULO 2014

No. 1230

We all have the power to prevent AIDS



**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

Prevention is the cure

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No.

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PROVINCIAL NOTICE—ISAZISO SESIFUNDAZWE**No. 199****19 September 2014****Statutory Notice 2731****Notice of intention to expropriate**

Issued by the eThekweni Municipality ("the Municipality") in terms of Section 9 (3) of the Housing Act (Act No. 107 of 1997) - read with section 7 (5) of the Expropriation Act (Act No. 63 of 1975)

TO: The owner(s) (within the meaning of that term as defined in Section 1 of the Act) of the property described in the schedule hereto;

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

NOTICE OF INTENTION TO EXPROPRIATE LAND FOR HUMAN SETTLEMENTS PURPOSES: KWAMASHU L HOUSING PROJECT

In order to carry out the upgrade of the existing informal settlement for inclusion into the KwaMashu L Housing Project, it will be necessary for the Municipality to acquire the property reflected on the following schedule. The Municipality deems prudent to achieve by means of expropriation in the interest of efficient administration.

Any inconvenience or anxiety that the expropriation procedure may cause is sincerely regretted and accordingly, every effort will be made to assist you with any problems or queries you may have.

However, before the Municipality proceeds any further you are:

- a) Hereby given notice of the intention of the Municipality (subject to the approval of the MEC: Public Works and Human Settlements) to expropriate the property listed in the schedule hereto, and
- b) Invited to submit within 30 days of the date of this notice a written statement detailing any objections you may have to the proposed expropriation.

Your attention is directed to the following salient provisions of the Expropriation Act (Act No. 63 of 1975 which are applicable upon service of a Notice of Expropriation::

- c) Section 9 (5) of the Expropriation Act which provides that "Any person who willfully furnishes false or misleading particulars in any written instrument which he by the virtue of the provisions of subsection (1) or 3 (a) [of Section 9] delivers or causes to be delivered to the Minister, shall be guilty of an offence and liable on conviction to be punished as if he had been convicted of fraud."

Section 9 (6) of the Expropriation Act which provides that "Any person who without sufficient reason refuses or fails to comply with the request by the Minister in terms of subsection (3) [of Section 9] shall be guilty of an offence and liable on conviction to a fine not exceeding R2,000 or to imprisonment for a period not exceeding six months or to both such fine and imprisonment."

d) The offer made by the Minister shall, in accordance with the provisions of Section 10 of the Expropriation Act, be regarded as having been accepted by you if an application for a determination of the amount of compensation by a Provincial or the Local Division of a High Court having jurisdiction in the area, is not submitted within 8 (eight) months (or such longer period as may be determined) from the date of the offer of compensation-unless it has been agreed, before the expiry period that the amount of compensation should be determined by the said court.

e) Section 19 of the Expropriation Act, which provides that any registered mortgage bonds held over an expropriated property shall be discharged as a preferential claim.

f) Section 8 (4) of the Expropriation Act, which reads as follows : "The owner of expropriated property shall from the date of expropriation to the date upon which the State takes possession of the property, take care and maintain the property, and if the owner willfully or negligently fails to do so and as a result thereof the property depreciates in value, the Minister may recover the amount in depreciation from the owner : Provided that the Minister shall compensate the owner for costs which, in the opinion of the Minister, were necessarily incurred after the date of expropriation in respect of such maintenance or care."

SCHEDULE

No.	Owner	Property Description	Extent	N o.	Owner	Property Description	Extent
1	MV Khumalo	Erf 1433	360 m ²	18	H Nala	Erf 1465	499 m ²
2	MP Ziqubu	Erf 1434	440 m ²	19	KK Msomi	Erf 352	352 m ²
3	ZB Mfeka	Erf 1436	333 m ²	20	T Ngubane	Erf 1467	359 m ²
4	EN Blose	Erf 1438	349 m ²	21	NP Mkhize	Erf 1468	300 m ²
5.	MT Mkhize	Erf 1440	411 m ²	22	PJ Langa	Erf 1469	320 m ²
6	LC Mkhwanazi	Erf 1441	319 m ²	23	DB Kuzwayo	Erf 1470	460 m ²
7	MI Mabanda	Erf 1444	298 m ²	24	P Mbatha	Erf 1473	306 m ²
8	Vanguard Dev Co Pty Ltd.	Erf 1446	368 m ²	25	TM Zondo	Erf 1474	325 m ²
9	Vanguard Dev Co Pty Ltd.	Erf 1447	327 m ²	26	BT & BS Sithole	Erf 1475	380 m ²
10	S Ncwane	Erf 1448	405 m ²	27	DM Mngadi	Erf 1476	303 m ²
11	NO Mwandla	Erf 1449	345 m ²	28	N & S Zuke	Erf 1477	321 m ²
11	A Sosibo	Erf 1450	415 m ²	29	S Mlaba	Erf 1478	364 m ²

12	AB Khanyile	Erf 1453	386 m ²	30	SL Manake	Erf 1479	336 m ²
13	GE Siwela	Erf 1454	459 m ²	31	MR Ndaba	Erf 1480	492 m ²
14	SL Mashwawu	Erf 1455	393 m ²	32	SM Nxumalo	Erf 1481	300 m ²
15	PN Zulu	Erf 1457	448 m ²	33	EZ Dlamini	Erf 1482	374 m ²
16	KH Mathebula	Erf 1458	479 m ²	34	ZA Ndlovu	Erf 1461	482 m ²
17	BM Ndlovu	Erf 1459	420 m ²	35	NF Ngcobo	Erf 1462	378 m ²
				36	AN Nzimande	Erf 1464	324 m ²

ENQUIRIES can be directed to the Land Assembly Branch on 031- 311 3487/ 031- 311 3433 or to Human Settlements Department, 3rd Floor, Shell House, 221 Anton Lembede Street, Durban.

WRITTEN STATEMENTS detailing any objections should be sent within 30 days of the date of notice to the Municipal Manager, eThekweni Municipality, 1st Floor City Hall, Dr Pixley KaSeme Street, Durban, 4001.

eThekweni Municipality,
1st Floor City Hall,
Dr Pixley Kaseme Street
Durban

Sibusiso Sithole
Municipal Manager

Isaziso No. 2731**Isaziso Ngenhloso Yokudliwa Ngokomthetho Komhlaba**

Sikhishwa nguMasipala waseThekwini ngaphansi kweSigaba 9(3) somthetho wezezindlu, uHousing Act ka-1997 (uMthetho No. 107 ka-1997) – sifundwa neSigaba 7(5) somthetho i-Expropriation Act (uMthetho No.63 ka-1975)

SIYA: Kubanikazi (ngokwenzazelo yaleli gama kanjengoba lichazwe eSigabeni 1 soMthetho) bale mhlaba/izakhiwo ezichazwe kule sheduli ehambisana nalesi saziso;

KANYE: Nakubo bonke abanye abantu abathi bananoma yimaphi amalungelo noma amagunya kulo mhlaba ochazwe kule saziso, ngenxa yokuba babhalisile noma ngenye indlela, futhi ikakhulukazi noma yisiphi isiqashi, umthengi noma umakhi ophathekayo kulokhu okushiwo yisiSigaba 9(1)(d) soMthetho.

ISAZISO NGENHLOSO YOKUDLIWA NGOKOMTHETHO KOMHLABA UKUZE UMASIPALA WETHEKU AKHE IZINDLU KWA-L KWAMASHU

Ukuze ukwazi ukuba kuthuthukiswe indawo okwakhiwe kuyona imijondolo njengamanje ibe yingxenye yephrojekthi yezindlu yaKwaMashu-L, kuzodingeka ukuba uMasipala athole lezi ziza ezibalulwe kwisheduli elandelayo. Ukuze lokhu kwenzeke ngendlela efanele uMasipala kufanele adle ngokomthetho lo mhlaba.

Sixolisa kakhulu ngokuphazamiseka noma ngokukhathazeka okungase kuvele ngenxa yalezi zinyathelo, futhi ngenxa yalokhu sizokwenza konke okusemandleni ukukwelekelela kunoma iyiphi inkinga noma imibuzo ongase ube nayo.

Kodwa-ke ngaphambi kokuba uMasipala aqhubeke:

- a) Uyaziswa ngenhloso kaMasipala (kuncike ekuvumeni kukaNgqongqoshe Wezemisebenzi Yomphakathi Nezokuhlaliswa Kwabantu KwaZulu-Natali) yokudla ngokomthetho lezi zindawo ezisohteni olukwisheduli ehambisana nalesi saziso, nokuthi
- b) Uyamenywa ukuba uma unanoma yiziphi izikhalo ngalokhu okuhlongozwayo kulesi saziso uzibhale phansi uzilethe zingakapheli izinsuku ezingama-30 kusukela osukwini okuphume ngalo lesi saziso.

Uyacelwa ukuba uqaphele le mibandela elandelayo yomthetho u-Expropriation Act (uMthetho No. 63 ka-1975) esebenzayo uma kukhishwa isaziso sokudliwa ngokomthetho komhlaba:

- c) Ngokwesigaba 9(5) somthetho i-Expropriation Act “noma yimuphi okuthi ngamabomu abhale phansi okungekona iqiniso noma okudukisayo okuthi ngokweSigatshana (1) noma 3(a) [ngaphansi kweSigaba 9] akuhambise noma adale ukuba kuhanjisiwe kuNgqongqoshe, uyotholakala enecala futhi angase anikwe isigwebo sokulahlwa yicala lokukhwananisa.”
- NgokweSigaba 9(6) somthetho i-Expropriation Act othi “noma yimuphi umuntu okuthi ngaphandle kwesizathu esiqinile ahluleke noma anqabe ukuthobela isicelo sikaNgqongqoshe esenziwe ngaphansi kweSigatshana 3 [ngaphansi kweSigaba 9], uyotholakala enecala futhi angakhokhiswa inhlawulo engeqile ku-R2000 noma avalelwe ejele isikhathi esingevile ezinyangeni eziyisithupha noma agwetshwe kokubili”.
- d) Ngokwesigaba 10 soMthetho i-Expropriation Act, lesi sinxephezelo esiphakanyiswa uNgqongqoshe singathathwa njengesamukeliwe uwena uma isicelo sesinqumo ngemali yesinxephezelo okufanele sikhishwe yiNkantolo yesiFundazwe noma uphiko lwendawo lweNkantolo Ephakeme okuyiyo enegunya lokunquma ngalezi zindaba kule ndawo singafakwanga singakapheli isikhathi esiyizinyanga eziyisihyagalombili (noma esinye isikhathi eside kunalesi esinganqunywa) kusukela osukwini okukhishwe ngalo isaziso sokuba wamukele isinxephezelo osinikwayo – ngaphandle uma kuvunyelwene, ngaphambi kosuku lokugcina olubekiwe ukuthi inani lesinxephezelo kufanele linqunywe yile Nkantolo eshiwo.
- e) ISigaba 19 sika-Expropriation Act sikhlinzekela ukuthi noma iyiphi ibhondi ebhalisiwe ngalesi sakhivo esidliwayo ithathwe njengesikweleti esikhokhwa ngaphambi kwezinye.
- f) ISigaba 8 (4) sika-Expropriation Act sifundeka kanje: “Umnikazi womhlaba odliwe ngokomthetho kufanele ukuthi kusukela ngelanga lokudliwa komhlaba kuze kube usuku uHulumeni awuthatha ngalo umhlaba, awunakekele futhi awugcine esimweni esifanele, kanti futhi uma engakwenzi lokhu ngamabomu noma ngenxa yobudedengu bese kuthi ngenxa yalokho lehle inani lomhlaba noma lesakhivo, uNgqongqoshe angabiza leyo mali inani elehle ngayo kumnikazi: Ngaphansi kombandela wokuthi uNgqongqoshe uyombuyisela umnikazi izindleko angene kuzona, ngokubona kukaNgqongqoshe, okwakudingekile ukuba angene kuzona emva kosuku lokudliwa ngokomthetho komhlaba noma kwesakhivo ezimaqondana nokunakekelwa kwawo.”

ISHEDULI

No.	Umnikazi	Incazelo	Ubukhulu	N o.	Umnikazi	Incazelo	Ubukhulu
1	MV Khumalo	Erf 1433	360 m ²	18	H Nala	Erf 1465	499 m ²
2	MP Ziqubu	Erf 1434	440 m ²	19	KK Msomi	Erf 352	352 m ²
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				36	AN Nzimande	Erf 1464	324 m ²

YONKE IMIBUZO kufanele ibhekiswe kwa-Land Assembly Branch kulezi zinombolo zocingo 031-311-3487/031-311 3433 noma eMnyangweni weZezindlu kaMasipala weTheku e3rd Floor, Shell House, 221 Anton Lembede Street, eThekwini.

IZITATIMENDE EZIBHALWE PHANSI, ezineminigwane ephelile yanoma yiziphi izizathu zokuphikisana nalokhu okuhlongozwayo lapha kufanele zithunyelwe kuleli kheli: The Municipal Manager, eThekwini Municipality, 1st Floor City Hall, Dr Pixley KaSeme Street, Durban 4001, zingakapheli izinsuku ezingama-30 kuphume lesi saziso.

eThekwini Municipality
1st Floor City Hall
Dr Pixley KaSeme Street
Durban

Sibusiso Sithole
IMenenja yeDolobha