



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: CLIFFDALE PHASE 1 AND 2 HOUSING PROJECT

In order to carry out the upgrade of the existing informal settlement in Cliffdale, it will be necessary for the Municipality to acquire the properties 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 wilfully 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.”

d) 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.”

e) 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.

f) 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.

g) 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 wilfully 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:	Property Description:	Registered Owner	identity Number	Current Deed
1	Erf 92	Weekend Resort Pty Ltd	-	T7619/1972
2	Erf 93	Ellamma	250225	T11584/1980
3	Erf 94	Hassenally Kutboodeen	230223	T591/1970
4	Erf 95	Hassenally Kutboodeen	230223	T591/1970
5	Erf 100	Hassenally Kutboodeen	230223	T591/1970
6	Erf 101	Moola Abdool Sattar Mahomed	270912	T14151/1967
7	Erf 106	Govender Rungasamy	4611085150084	T7819/1983
8	Erf 107	Govender Mangayammal	160802	T16161/1980
9	Erf 108	Hamida Khan Hashum Zora Safoora	380706	T16534/1971
10	Erf 110	Sukhai Birjee	2601255049085	T15461/1964
11	Erf 111	Fakir Kathija Ismail Chatawan	211016	T6413/1961
12	Erf 112	Perumal Yanandum	340428	T810/1957
13	Erf 113	Sikhosana Trudy Sizani	2103310106083	T17343/1984





14	Erf 114	Umthombomuhle Primary School	960000	T26228/1999
15	Erf 115	Akoo Ahmed Akoo Osman Siddiu Osman Ebrahim Siddi	96100	T5520/1942
16	Erf 116	Govender Gopal Govender Sraswathie Theeralingam Logendran Govender Lalen	5109095154088	T9890/1965
17	Erf 117	Premrajh Prakash Premrajh Prakash	5402105081080 5402105081080	T40224/1995
18	Erf 118	Dastoor Inv Pty Ltd	86/00255/07	T23173/1991
19	Erf 119	Ramdial Soorsathee Harikishun	3603040075051	T7994/2003
20	Remainder of Erf 76	P G Mavundla Prop Pty Ltd	100403559807	T22095/2006
21	Remainder of Erf 77	Wilro Park Inv Pty Ltd	200800027207	T35426/2008
22	Remainder of Erf 78	Muthath	071100	T11540/1966
23	Remainder of Erf 79	Flaming Dragon Trading CC	200205423723	T33477/2003
24	Remainder of Erf 80	Rajcoomar Ajithchand Rajcoomar	5805105050089	T35472/2003

ENQUIRIES can be directed to the Land Assembly Branch on 031- 311 6516/ 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.

Sibusiso Sithole

Municipal Manager

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

