



THE SUPREME COURT OF APPEAL
OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE
SUPREME COURT OF APPEAL

30 November 2011

STATUS: Immediate

City of Tshwane Metropolitan Municipality v Mamelodi Hostel Residents Association

Please note that the media summary is intended for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal

The Supreme Court of Appeal (SCA) today handed down reasons for its dismissal of an appeal against a judgment of the North Gauteng High Court which had confirmed an interim order directing the Tshwane Metropolitan Municipality to stop demolishing hostel structures in Mamelodi West and to restore the roof structures and roof covering of Block J hostel.

The SCA held that the removal of roof covering of Block J hostel, while the occupants were still inside it, constituted the first step in the demolition of the hostel and thus the eviction of the residents. Absent any consent from the Block J hostel dwellers, the eviction was unlawful and constituted spoliation, ie the unlawful deprivation of possession while the hostel dwellers were in peaceful, undisturbed possession.

The SCA had amended the order of the high court in one minor respect, for practical reasons. The appeal had thus been dismissed with costs, including the costs of two counsel.

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