

IN THE HIGH COURT OF SOUTH AFRICA
KWAZULU NATAL PROVINCIAL DIVISION, PIETERMARITZBURG

CASE NO: 12745/18P

In the matter between:

COUNCIL FOR THE ADVANCEMENT OF THE
SOUTH AFRICAN CONSTITUTION

First Applicant

RURAL WOMEN'S MOVEMENT

Second Applicant

HLETSHELWENI LINA NKOSI

Third Applicant

BONGANI ZIKHALI

Fourth Applicant

ZAKHELE MALCOLM NKWANKWA

Fifth Applicant

HLUPHEKILE BHETINA MABUYAKHULU

Sixth Applicant

MABONGI GUMEDE

Seventh Applicant

KN

Eighth Applicant

And

THE INGONYAMA TRUST

First Respondent

THE INGONYAMA TRUST BOARD

Second Respondent

THE MINISTER OF RURAL DEVELOPMENT
AND LAND REFORM

Third Respondent

THE MEC FOR CO-OPERATIVE GOVERNANCE
AND TRADITIONAL AFFAIRS, KWAZULU-NATAL

Fourth Respondent

KWAZULU NATAL PROVINCIAL HOUSE OF
TRADITIONAL LEADERSHIP

Fifth Respondent

APPLICANTS' NOTICE IN TERMS OF RULE 30 A (1)

SIRS

KINDLY TAKE NOTICE that the First and Second Respondents have failed to comply with the request made by the Applicants in their Notice in terms of Rule 7(1) dated 7 July 2021, in that:

1. They have not produced proof of their authority to apply for leave to appeal and prosecute an appeal on behalf of the First and Second Respondents;
2. The "Resolution" which they have produced does not indicate that a valid resolution was passed, in that it does not state which members of the Board attended the meeting in question, which of them voted for the resolution, which of them voted against the Resolution, and which of them abstained;
3. The certificate of the "Resolution" is signed by a person whose identity, authority, and knowledge of the "Resolution" are not stated and demonstrated;
4. Meetings and related procedures of the Board are regulated by section 2A of the KwaZulu-Natal Ingonyama Trust Act, read with Regulations 10-20 of the KwaZulu-Natal Ingonyama Trust Administrative Regulations, 1998, as amended, but there is no demonstration of compliance with these procedures.
5. The "Resolution" does not say that the Board has decided to prosecute an appeal against the judgment: to the contrary, it states that the Board has not made such a decision.

Handwritten signature and initials, possibly "JL" and "4.11", in the bottom right corner.

TAKE NOTICE FURTHER that if the First and Second Respondents fail to comply with the Rule 7(1) request within ten days of this notice, the Applicants will apply to this Court for an order that the Notice of Application for Leave to Appeal be struck out; *alternatively* that Mason Incorporated may no longer act for the First and Second Respondents unless they have satisfied the Court, and the Court has so declared, that they are authorised to act in applying for leave to appeal and prosecuting an appeal; *further alternatively* that the First and Second Respondents are ordered to comply with the Rule 7(1) request within 5 days.

DATED at DURBAN this 29th day of JULY 2021.



LEGAL RESOURCES CENTRE

Applicants' Attorneys

11th Floor Aqua Sky Towers

275 Anton Lembede Street

Durban

Tel: 031 301 7572

Email: sharita@lrc.org.za

Ref: S Samuel



**TO: THE REGISTRAR OF THE HIGH COURT
PIETERMARITZBURGH**

AND TO: MASON INCORPORATED
First and Second Respondent's Attorney
Third Floor
Fedsure House
Church Street
Pietermaritzburg
Tel: 033 345 4230
Fax: 033 342 4736
Email: Nisha@masoninc.co.za
Ref: PK COETZEE/nb/15/I001/058

AND TO: THE MINISTER OF RURAL DEVELOPMENT AND LAND REFORM
Third Respondent
The State Attorney, Pretoria
SALU Building
316 Thabo Sehume Street
(Schoeman Street)
Pretoria
Email: SiMathebula@justice.gov.za
C/O the State Attorney, Durban
Metlife Building, 6th Floor
391 Anton Lembede Street
Durban
Email: SiMathebula@justice.gov.za & PaMoodley@justice.gov.za
Ref: Mrs. Moodley 494/000355/18/C/P5

**AND TO: THE MEC FOR CO-OPERATIVE GOVERNANCE AND
TRADITIONAL AFFAIRS, KWAZULU-NATAL**
Fourth Respondent
Care of the State Attorney
Metlife Building, 6th Floor
391 Anton Lembede Street
Durban
Email: SiMathebula@justice.gov.za & PaMoodley@justice.gov.za



**AND TO: KWAZULU NATAL PROVINCIAL HOUSE OF TRADITIONAL
LEADERSHIP**

Fifth Respondent

Care of the State Attorney

Metlife Building, 6th Floor

391 Anton Lembede Street

Durban

Email: SiMathebula@justice.gov.za & PaMoodley@justice.gov.za


7.1