

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

CASE NO. 11488/17P

In the matter between:

GLOBAL ENVIRONMENTAL TRUST FIRST APPLICANT

MFOLOZI COMMUNITY ENVIRONMENTAL JUSTICE ORGANISATION SECOND APPLICANT

SABELO DUMISANI DLADLA THIRD APPLICANT

and

GRIFFIER VAN DIE HOOGGEREGSHOF VAN S.A.
NATALSE PROVINSIALE AFDELING
PRIVAATSAK/PRIVATE BAG X9014
2017 -10- 1 0
PIETERMARITZBURG, 3200
NATAL PROVINCIAL DIVISION
REGISTRAR OF THE HIGH COURT OF S.A.

TENDELE COAL MINING (PTY) LTD FIRST RESPONDENT

MINISTER OF MINERALS AND ENERGY SECOND RESPONDENT

MEC: DEPARTMENT OF ECONOMIC DEVELOPMENT, TOURISM AND ENVIRONMENTAL AFFAIRS THIRD RESPONDENT

MINISTER OF ENVIRONMENTAL AFFAIRS FOURTH RESPONDENT

MTUBATUBA MUNICIPALITY FIFTH RESPONDENT

HLABISA MUNICIPALITY SIXTH RESPONDENT

INGONYAMA TRUST SEVENTH RESPONDENT

EZEMVELO KZN WILDLIFE EIGHTH RESPONDENT

AMAFA aKWAZULU-NATALI HERITAGE COUNCIL NINTH RESPONDENT

NOTICE OF MOTION

GRIFFIER VAN DIE HOOGGEREGSHOF VAN S.A.
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PIETERMARITZBURG, 3200
NATAL PROVINCIAL DIVISION
REGISTRAR OF THE HIGH COURT OF S.A.

TO: THE REGISTRAR OF THE HIGH COURT
Kwazulu-Natal Division
Pietermaritzburg

Certified a true copy of the original.
High Court
Pietermaritzburg Acting Asst. REGISTRAR

AND TO: TENDELE COAL MINING (PTY) LTD

The First Respondent
First Floor, 37 Peter Place
Bryanston
Gauteng

AND TO: MINISTER OF MINERALS AND ENERGY

The Second Respondent
Third Floor, Durban Bay House
333 Anton Lembede Street
Durban
KwaZulu-Natal

**AND TO: MEC: DEPARTMENT OF ECONOMIC DEVELOPMENT,
TOURISM AND ENVIRONMENTAL AFFAIRS**

The Third Respondent
Department of Economic Development, Tourism
and Environmental Affairs
270 Jabu Ndlovu Street
Pietermaritzburg
KwaZulu-Natal

AND TO: MINISTER OF ENVIRONMENTAL AFFAIRS

The Fourth Respondent
Union Buildings
Pretoria
Gauteng

AND TO: MTUBATUBA MUNICIPALITY

The Fifth Respondent
Municipal Offices
Mtubatuba
KwaZulu-Natal

AND TO: HLABISA MUNICIPALITY

The Sixth Respondent
Municipal Offices
Hlabisa
KwaZulu-Natal

AND TO: INGONYAMA TRUST

The Seventh Respondent
San Souci

65 Trelawney Road
Southgate
Pietermaritzburg
KwaZulu-Natal

AND TO: EZEMVELO KZN WILDLIFE
The Eighth Respondent
1 Peter Brown Drive
Montrose
Pietermaritzburg
KwaZulu-Natal

AND TO: AMAFA aKWAZULU-NATALI HERITAGE COUNCIL
The Ninth Respondent
195 Langalibalele Street, Pietermaritzburg
KwaZulu-Natal

SIRS,

KINDLY TAKE NOTICE that application will be made on behalf of the abovenamed Applicants for an Order in the following terms:

1. **THAT** First Respondent be and is hereby interdicted and restrained from carrying on any mining operations at the following sites: -

1.1 Area 1 on Reserve No. 3 (Somkele) No 15822 measuring 660.5321 hectares as described in the Mining Right dated 22nd June 2007;

and/or

1.2 Areas 2 and 3 on Reserve No. 3 (Somkele) No.15822 measuring 779.8719 hectares as described in the Mining Right dated 30th March 2011;

and/or

1.3 Areas of KwaQubuka and Luhlanga areas on Reserve No. 3 No. 15822 measuring 706.0166 hectares as described in the Amendment of a Mining Right dated 8th March 2013;

and/or

1.4 One part of the Remainder of Reserve No. 3 No. 15822 in extent 21233.0525 hectares described in the Mining Right dated 26th October 2016;

2. **THAT** First Respondent pay the costs of this application together jointly and severally, with any other Respondent who opposes this application.

3. **THAT** Applicants be granted further and/or alternative relief.

KINDLY TAKE NOTICE FURTHER that the affidavit **SABELO DUMISANI DLADLA** and the annexures thereto will be used in support of this application.

KINDLY TAKE NOTICE FURTHER that the Applicants have appointed the offices of **YOUENS ATTORNEYS C/O HAY & SCOTT ATTORNEYS** set out hereunder as the address at which they will accept notice and service of all documents and process in these proceedings.

KINDLY TAKE NOTICE FURTHER that if you intend opposing this application you are required to:

- (a) Notify the Applicants' attorneys in writing on or before the 8TH day of NOVEMBER 2017;
- (b) Within 15 (fifteen) days after you have so given notice of your intention to oppose the application, to file your Answering Affidavit(s), if any; and
- (c) Appoint in such notification an address referred to in Rule 6(5)(b) at which you will accept notice and service of all documents in these proceedings.

TAKE NOTICE FURTHER that if no such notice of your intention to oppose be given, application will be made on the 30TH day of NOVEMBER 2017 at 09h30 or as soon thereafter as the matter may be heard.

DATED at PIETERMARITZBURG this 10th day of OCTOBER 2017



APPLICANTS' ATTORNEY

YOUENS ATTORNEYS

TEL: 032 525 4657

REF: K.YOUENS

C/O HAY & SCOTT ATTORNEYS

APPLICANTS' ATTORNEYS

TOP FLOOR

3 HIGHGATE DRIVE, 1 GEORGE MACFARLANE LANE

REDLANDS ESTATE

PIETERMARITZBURG

TEL: 033 – 342 4800

FAX: 033 – 342 4900

EMAIL: RODERICK@HAYANDSCOTT.CO.ZA

REF: R F BRENT/CJB/09Y003001