



STATUTORY NOTICE 2695

Notice of Intention to Expropriate

Issued by the eThekweni Municipality (“the Municipality”) in terms of Section 9 (3) (a) and Section 9 (3) (b) of the Housing Act (Act No. 107 of 1997) and section 7 (5) of the Expropriation Act (Act No. 63 of 1975) read with Section 25(2) of the Constitution of the Republic of South Africa, 1996.

TO: The parties described in the schedule hereto as “Owner(s)” and which word includes to mean the executor in the estate of the owner deceased, or the trustee or liquidator in the insolvent estate of an owner, or if the owner of the property is under the legal disability his / her legal representative and includes all or any of the authorized representative of the owner.

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 VARIOUS PORTIONS OF LAND FOR HOUSING DEVELOPMENT BY THE ETHEKWINI MUNICIPALITY IN THE NORTHERN REGION OF THE ETHEKWINI MUNICIPAL AREA

In order to carry out the upgrade of the existing informal settlement for Integrated Human Settlement, it will be necessary for the Municipality to acquire the properties reflected on the following schedule. This 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 in terms of Section 9 (3) (a) and Section 9 (3) (b) of the Housing Act (Act No. 107 of 1997) (subject to the approval of the MEC: Public Works and Human Settlements) to expropriate the properties 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:

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 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

(To notice of intention to expropriate in terms of Section 9 (3) (a) and Section 9 (3) (b) of the Housing Act (Act No. 107 of 1997))

BHAMBAYI PHASE 3 HOUSING PROJECT – HAND PLAN SH 9633			
NO	PROPERTY DESCRIPTION	LAND OWNER	TITLE DEED/DIAGRAM
1	PTN 56 (of 1) of the farm Piezang Rivier No 805	D.Mbhamblo	SV 318 F71
2	PTN 58 (of 1) of the farm Piezang Rivier No 805	M.Dube	SV324 F19
3	REM of PTN 59 (of 1) of the farm Piezang Rivier No 805	G.Shezi & M.Mkadela	SV324 F20
4	PTN 60 (of 1) of the farm Piezang Rivier No 805	J.Umgoma	SV325 F54
5	REM of PTN 61(of 1) Of the farm Piezang Rivier No 805	O.B.Kumalo	SV328 F61
6	PTN 62 (of 1) of the farm Piezang Rivier No 805	N.A.S.I. & N.D. Mhlane	SV328 F62
7	PTN 63 (of 1) of the farm Piezang Rivier No 805	G.Sabela	SV329 F33
8	PTN of 64 (of 1) of the farm Piezang Rivier No 805	T.G.Mhlongo	SV329 F34





9	PTN 69 (of 1) of the farm Piezang Rivier No 805	J.Mkize	SV342 F69
10	REM of PTN 78 (of 1) of the farm Piezang Rivier No 805	E.Mhlongo	SV400 F81
11	PTN 84 (of 1) of the farm Bhambhayi No 17267	N.Kuluse	SV408 F79
12	REM OF PTN 88 (of 1) of the farm Bhambhayi No17267	X.P. & N.P. Nzungwanda	SV425 F93
13	PTN 272 (of 1) of the Farm Piezang Rivier no 805	J.Mwandhla	SG NO. 2942/1937
14	PTN 273 (of 1) of the Farm Piezang Rivier no 805	J.Mwandhla	SG NO. 2943/1937
15	PTN 274 (of 1) of the Farm Piezang Rivier no 805	Bantu Congregational Church in S.A.	SG NO. 970/1938
16	PTN 276 (of 1) of the Farm Piezang Rivier no 805	N.R. Khumalo & Others	SG NO. 2660/1938
17	PTN 279 (of 1) of the farm Piezang Rivier no 805	N.R. Khumalo & Others	SG NO. 2663/1938
18	PTN 287 (of 1) of the farm Piezang Rivier No 805	N.R. Khumalo & Others	SG NO. 2159/1940
19	PTN 288 (of 1) of the farm Piezang Rivier No 805	P.Khuzwayo & Others	SG NO. 1847/1942
20	PTN 293(of 1) of the farm Bhambhayi 17267	B.D.Kunene	SG NO. 1787/1944
21	PTN 299 (of 1) of the farm Piezang Rivier No 805	P.Khuzwayo & Others	SG NO. 4517/1945
22	PTN 300 (of 1) of the farm Piezang Rivier No 805	C.Ndaba & C.Mahoyi	SG NO. 4518/1946
23	PTN 301 (of 1) of the farm Piezang Rivier No 805	C.Ndaba & C.Mahoyi	SG NO. 4519/1946
24	PTN 302 (of 1) of the farm Piezang Rivier No 805	A.Vilakazi	SG NO. 4520/1946
25	PTN 303 (of 1) of the farm Piezang Rivier No 805	J.P. Cibane	SG NO. 4521/1946
26	PTN 304 (of) of the farm Bhambhayi No 17267	E.Mhlongo	SG NO. 4522/1946
27	PTN 305 (of 1) of the farm Piezang Rivier No 805	D.Ndlovu	SG NO. 4523/1946
28	PTN 307(of 1) of the farm Piezang Rivier No 805	R.Ngcobo	SG NO. 4525/1946
29	PTN 308 (of 1) of the farm Piezang Rivier No 805	A.K. Mkhwanazi	SG NO. 4526/1946
30	PTN 309 (of 1) of the farm Piezang Rivier No 805	O.S. Dhlamini	SG NO. 4527/1946





31	PTN 310 (of 1) of the farm Piezang Rivier No 805	D.Dube	SG NO. 4528/1946
32	PTN 311 (of 1) of the farm Bhambhayi No 17267	E.Mhlongo & Others	SG NO. 4529/1946
33	PTN 312 (of 1) of the farm Piezang Rivier No 805	M.Crouch	SG NO. 4530/1946
34	PTN 92 (of 59) of the farm Piezang Rivier No 805	S.E. & S.G. Ngiba	SV 441 F 92
35	PTN 289 (of 78) of the farm Piezang Rivier No 805	G.Luthuli	SG NO. 1492/1943
36	PTN 290 (of 78) of the farm Piezang Rivier No 805	J.Mnyandu	SG NO. 1493/1943
37	PTN 291 (of 78) of the farm Piezang Rivier No 805	H.S.B. Maphumulo	SG NO.1949/1948
38	PTN 313 (of 88) of the farm Piezang Rivier No 805	Unkown	SG NO. 4578/1946
39	PTN391 (of 61) of the farm Piezang Rivier No 805	Unkown	SG NO. 4578/1946

DIKWE MASAKHANE HOUSING PROJECT – PLAN SH9719		
Property description	Landowner	Title Deed Number
Rem of 442 of the Farm Piezang Rivier No. 805	Trustees of the Inanda Community Development Trust	CRT12944/1996

GOQOKAZI PHASES 2 AND 3 HOUSING PROJECT – PLAN SH9368		
Property description	Landowner	Title Deed Number
Portion 206 (of 36) of the Farm Groeneberg no. 844	B M Cele	T4128/1934
Portion 229 (of 36) of the Farm Groeneberg no. 844	V Cele	T12444/1948
Portion 211 (OF 171) Underlying property is Rem of Portion 171 (of 40) of the Farm Groeneberg no. 844	A B Mbatha	T595/1978





GWALAS FARM - HAND PLAN SH 9764		
Property description	Landowner	Title Deed Number
Portion 7 (of 1) of the Farm Frosterly No. 1021	D N Moodley and others	T2688/1969
Rem of 1 of the Farm Frosterly	P Govender	T6343/1989

NTUZUMA D PHASES 2 AND 3 – HAND PLAN SJ 4645/9		
Property description	Landowner	Title Deed Number
Portion 70 (of 5) of the Farm Piezang Rivier No.805 S.	Bhulose	T5832/1952
Portion 71 (of 5) of the Farm Piezang Rivier No.805	U.Khuzwayo	T299/1917
Portion 247 (of 50) of the Farm Piezang Rivier No.805	S.Bhulose	T5832/1952

TRENANCE PARK 2B HAND PLAN SH 9629		
Property description	Landowner	Title Deed Number
Portion 163 of the Farm Roodekrans No.828	G V Naidoo	T21847/1983
Portion 199 (of 127) of the Farm Roodekrans No.828	S Ebrahim	T10511/1954
Portion 136 of the Farm Roodekrans No.828	H Dhlamini	T4578/1955

THAMBO PLAZA		
Property description	Landowner	Title Deed Number
Portion 47 of the Farm Melk Houe Kraal No.789	AI & AB Haffejee	T7836/1964/ T9055/1982
Erf 1385 Mshayazafe	Mshayazafe Trust	Mshayazafe Trust

ENQUIRIES can be directed to Jeffrey Naidoo at Human Settlements Department, 3rd Floor, Shell House, 221 Anton Lembede Street, Durban (031) 311 2476 /083 704 1422 or at 17 Doveside Close Phoenix .

WRITTEN STATEMENTS detailing any objections should be sent within 30 days of the date of notice to the Municipal Manager, City Hall, Durban, 4001.

Sibusiso Sithole

City Manager

