
Central Drakensberg Ratepayers' Association



7 February 2024

The Regional Land Claims Commissioner: KwaZulu-Natal
Second Floor, African Life Building
200 Church Street
Pietermaritzburg 3200

BY HAND DELIVERY

Dear Sir

INKOSI SIPHIWE MAZIBUKO ON BEHALF OF AMANGWE TRIBE (MPHOFANA COMMUNITY)
REFERENCE NO. KRN6/2/2/E/3/0/0/18

Central Drakensberg Ratepayers' Association ("the Association") is a voluntary association not for gain governed by a constitution.

The Association exists to serve the interests of all residents, ratepayers, property owners and businesses in the Cathkin Park Regulated Area.

All the properties affected by the land claim referred to above fall within the Cathkin Park Regulated Area.

Many members of the Association are affected by the claim.

In making these submissions to you, the Association is acting in the public interest and in the interests of its members as it is empowered to under sections 38(d) and (e) of the Constitution.

Many affected property owners have communicated with the Association to seek guidance on their rights.

Notice in terms of section 11(1) of the Restitution of Land Rights Act 22 of 1994 ("the Act") was published in the *Government Gazette* under Notice 2220 of 2023.

Cathkin Park Regulated Area
Chairman: Dr Mark Stead | Email: hello@cdra.co.za



It appears that no affected property owners were given notice of the claim in writing as required by section 11(6)(a) of the Act.

Property owners who have contacted the Association only became aware of the notice on or about 6 February 2024. It is therefore unreasonable to expect affected parties to make submissions by 10 February 2024, which we calculate to be the date for submissions on the claim (the public holidays over the Christmas season being excluded) according to the notice.

We contend that non-compliance with section 11(6)(a) of the Act renders the notice of the claim invalid. Under the circumstances, you have no alternative but to withdraw the notice, readvertise it and comply with the provisions of section 11(6)(a) of the Act by giving proper written notice to affected property owners.

The constitutional rights of the affected property owners to just administrative action under section 33 of the Constitution are infringed by being given inadequate notice of the claim, as this in turn denies them the opportunity to protect their property rights under section 25 of the Constitution.

Kindly confirm within 5 (five) working days of receipt of this letter that you will withdraw the relevant notice, and confirm to us that land owners need not make their submissions on the land claim until they have been given proper notice.

Should you refuse to do so, affected property owners will make submissions on the land claim and submit them within a reasonable period. Should these submissions be rejected because they are out of time, appropriate High Court action will be taken to protect their rights.

Yours faithfully

MARK STEAD
CHAIRMAN