

IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA

CASE NO: CCT 38/00

In the matter between:

IRENE GROOTBOOM

First Applicant

AND OTHER APPLICANTS WHOSE NAMES ARE SET OUT
IN ANNEXURE 'A' TO THE NOTICE OF MOTION

Second and further
Applicants

and

THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA First Respondent

THE PREMIER OF THE PROVINCE OF THE WESTERN CAPE Second Respondent

CAPE METROPOLITAN COUNCIL

Third Respondent

OOSTENBERG MUNICIPALITY

Fourth Respondent

ORDER OF COURT

21 September 2000:

Coram: Chaskalson P, Langa DP, Ackermann, Goldstone, Kriegler, Mokgoro, Ngcobo, O'Regan, Sachs and Yacoob JJ, and Madlanga AJ.

1. An order is made in terms of paragraph A1 - 8 of the agreed order attached hereto:
 - A.1. Second and Fourth Respondents are ordered to provide basic sanitation services to the Applicants in the following manner:
 - (a) Fourth Respondent shall erect a block of 20 permanent toilets on the Wallacedene sportsgrounds by not later than 15 December 2000;
 - (b) Second Respondent shall provide the funding required for the construction of the aforesaid toilets;
 - (c) Fourth Respondent will be responsible for the maintenance and supervision of the aforementioned toilet facilities;

- (d) pending the construction of the aforementioned permanent toilet facilities, Fourth Respondent shall forthwith, and in any event by not later than 6 October 2000, provide 20 temporary chemical toilets on the Wallacedene sportsgrounds.
 - (e) Second Respondent shall provide the necessary funding for the provision of the aforesaid temporary toilets.
- 2. Second and Fourth Respondents are ordered to provide water to the Applicants in the following manner:
 - (a) Fourth Respondent shall install 20 permanent taps in the same location as the abovementioned permanent toilet facilities, same to be installed by not later than 15 December 2000;
 - (b) Second Respondent shall be responsible for the funding of the aforementioned taps and the cost of the installation thereof;
 - (c) until the aforementioned permanent taps are installed, Fourth Respondent shall install 10 temporary taps which may be removed or relocated by Fourth Respondent after the aforementioned permanent taps have been installed, such temporary taps to be installed forthwith and in any event by not later than 6 October 2000;
 - (d) Second Respondent shall provide the necessary funding for the aforementioned temporary taps.
- 3 Second Respondent shall make available Two Hundred Thousand Rand (R200 000,00) to Fourth Respondent for the purpose of purchasing building material required to waterproof the Applicants' existing accommodation.
- 4. The purchase and distribution of such building material shall be effected in the following manner -
 - (a) It is recorded that the Applicants comprise 263 households on the sportsgrounds, as reflected on Annexure "JWA 4" to the founding affidavit;
 - (b) Each such household will be entitled to building material to the value of R 760 - 00;
 - (c) Applicants' attorney of record will ascertain the requirements of each household and will convey these in writing to Fourth Respondent's attorney of record;
 - (d) Fourth Respondent shall purchase the aforesaid building material from the funds referred to in paragraph (3) above;
 - (e) Fourth Respondent shall distribute the building material to the persons identified by the Applicants' attorney of record as the persons whose names appear on Annexure

“JWA 4” to the founding affidavit, at a venue and in a manner to be agreed upon between the Applicants' attorney of record and the Fourth Respondent's attorney of record, such distribution to take place within 14 calendar days of compliance by Applicants' attorney of record with the provisions of subparagraph (c) above.

5. Second and Fourth Respondents shall report in writing to the Registrar of this Court as to the implementation of this order, such report to be furnished to this Court and to Applicants' attorney by 6 November 2000.
 6. Applicants may respond thereto in writing by 17 November 2000.
 7. Second Respondent is ordered to pay the Applicants' costs occasioned by the application as well as the costs of Applicants' attorney attendant upon the implementation of this Order.
 8. Where funding is required to be made available in terms of this Order by Second Respondent such funding will be made available within such period or periods as will enable Fourth Respondent to comply timeously with its obligations in terms of this Order.
2. The Court declined to make the order requested in paragraph B of the agreed draft. Reasons will be furnished for that decision if so requested.

Thus done at Johannesburg on 26 September 2000

MS STANDER
REGISTRAR: CONSTITUTIONAL COURT

To: Apollos Smith & Associates
Applicants' Attorneys - 1st Floor-Mini Kem Building
80 Van Riebeeck Road
KUILSRIVER
Reference: Mr J A Apollos
Fax: 021 - 903 4001
c/o Attorneys Cheadle Thompson & Haysom
JOHANNESBURG
Fax: 403 1764

To: The State Attorney
First and Second Respondents' Attorney
Private Bag X9001

To: De Klerk & Van Gend
Third Respondent's Attorney
Volkskas Building

CAPE TOWN 8000
Reference:L M Gava/3683/99/P8
Fax:021-421 9364
and:State Attorney
Private Bag X 9
JOHANNESBURG 2000
Reference:Mr Feroze Latif/1493/00/P14
Fax:011 - 336 6200 / 011 - 337 - 7180

132 Adderley Street
CAPE TOWN 8000
Reference: Mr A F Brand/C 90068
Fax:021 - 423 6628
c/o:Tim Du Toit & Co
7th Floor Nedbank Mall
145 Commissioner Street
JOHANNESBURG 2000
Fax: 011 - 331 9700

and to:Constitutional Litigation Unit
Legal Resources Centre
401 Elizabeth House
18 Pritchard Street
JOHANNESBURG 2001
Reference:Mr G M Budlender
Fax:834 - 4273