

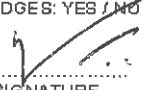


**IN THE LAND CLAIMS COURT OF SOUTH AFRICA
HELD AT RANDBURG**

CASE NO: LCC 183/2016

Before: **The Honourable Acting Judge President Meer**

Delivered: 29 January 2019

DELETE WHICHEVER IS NOT APPLICABLE	
(1) REPORTABLE: YES / NO	
(2) OF INTEREST TO OTHER JUDGES: YES / NO	
(3) REVISED: YES / NO	
<u>29/01/2019</u> DATE	 SIGNATURE



In the matter between:

JACOBUS WILLEM VAN DER MERWE

Applicant

And

**THE COMMISSION ON RESTITUTION OF
LAND RIGHTS**

First Respondent

THE CHIEF LAND CLAIMS COMMISSIONER

Second Respondent

**THE REGIONAL LAND CLAIMS
COMMISSIONER: WESTERN CAPE PROVINCE**

Third Respondent

**THE MINISTER OF RURAL DEVELOPMENT
AND LAND REFORM**

Fourth Respondent

THE MINISTER OF PUBLIC WORKS

Fifth Respondent

JUDGMENT DELIVERED 29 JANUARY 2019

MEER AJP.

- [1] The Applicant applies for leave to appeal against the whole of my judgment and order dated 12 December 2018 in which the application by the Applicant for the review and setting aside of a decision by the Third Respondent was dismissed. Leave to Appeal is sought to the Supreme Court of Appeal.
- [2] The grounds upon which leave to appeal is sought pertain to issues in respect of which reasonable findings are made in the judgment. It would therefore serve little purpose for me to traverse these here, save as to state as follows:
- 2.1 The fact that the Applicants' family might have followed a lifestyle in defiance of apartheid, a fact emphasised in this application, is in itself not evidence that the removal was caused by a racial practice. The objective evidence does not show a causal link between the removal and the said lifestyle. It shows a causal link between the removal and the preservation of the property for a forest reserve. The

Applicant's contention about his family's lifestyle does not unsettle this causal link.

2.2 The decision of the Third Respondent was reasonable and rational in the light of the information placed before it, and passed muster under the sections of the Promotion of Administrative Justice Act 3 of 2000 referred to in this application.

[3] I have carefully considered the submissions of both counsel and I am of the view that another Court would not have come to a decision different to mine. This being so I find that there are no reasonable prospects of success on appeal.

[4] I accordingly follow as follows:

The application for leave to appeal is dismissed. In keeping with the practice of this court there is no order as to costs.

A handwritten signature in black ink, consisting of a stylized 'Y' followed by 'S' and 'MEER' in a cursive script.

Y S MEER
Acting Judge President
Land Claims Court