



KWAZULU-NATAL PROVINCE
KWAZULU-NATAL PROVINSIE
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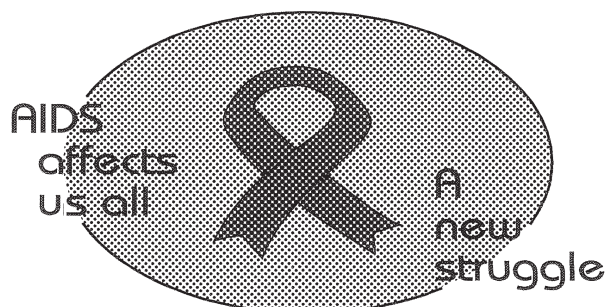
PIETERMARITZBURG

9 FEBRUARY 2023

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No: 2507

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MUNICIPAL NOTICES • MUNISIPALE KENNISGEWINGS**MUNICIPAL NOTICE 228 OF 2023****ETHEKWINI MUNICIPALITY****STATUTORY NOTICE NO. 2854****NOTICE OF EXPROPRIATION**

Issued by the eThekweni Municipality ("the Municipality") in terms of Section 9(3) of the Housing Act, 1997 (Act No. 63 of 1997); the Expropriation Act (Act No. 63 of 1975) as amended ("the Act") and Section 25 of the Constitution of the Republic of South Africa, 1996 ("the Constitution").

EXPROPRIATION OF LAND FOR VARIOUS PROPERTIES: LOWER MALUKAZI, ZAMANI AND UMLAZI INFILL HOUSING DEVELOPMENT PROJECTS

1. Notice is hereby given in terms of Section 7, read with Section 5(2) of the Expropriation Act No. 63 of 1975 (the Act) that the Municipality, being unable to purchase the properties described in the schedule hereto on reasonable terms through negotiation with the owners of the properties and having obtained the permission of the Member of the Executive Committee of the Province of KwaZulu-Natal responsible for Housing matters in the province on 20 January 2023, hereby expropriates the said properties under powers vested in it by Section 9(3) of the Housing Act No. 107 of 1997 (the Housing Act) and Section 5 of the Act, for public purposes, in particular for the purposes of a national housing programme as defined in Section 1 of the Housing Act.
2. The date of expropriation shall be 20th February 2023 with effect from which date, ownership of the said properties will vest in the Municipality.
3. The Municipality shall take possession of the said properties on 20th February 2023, in terms of Section 8(3) of the Act.
4. Your attention is directed to the provisions of Sections 9(1) and Section 25 (3) of the Constitution which read as follows:

"9 Duties of owner of property expropriated or which is to be used by (the Municipality)

 - (1) An owner whose property has been expropriated in terms of the Act, shall, within sixty days from the date of notice in question, deliver or cause to be delivered to the (Municipality) a written statement indicating -
 - (a)
 - (b) the amount claimed by him as compensation and full particulars as to how such amount determined taking into account Section 25 (3) of the Constitution;
 - (c) if the property expropriated is land and any amount is claimed in terms of paragraph ...(b), full particulars of all improvements thereon which, in the opinion of the owner, affect the value of such land;
 - (d) if the property being expropriated is land -

- (i) which prior to the date of notice was leased as a whole or in part by unregistered lease, the name and address of the lessee, and accompanied by the lease or a certified copy thereof, if it is in writing, or full particulars of the lease, if it is not in writing;
 - (ii) which, prior to the date of notice, was sold by the owner, the name and address of the buyer, and accompanied by the contract of purchase and sale or a certified copy thereof;
 - (iii) on which a building has been erected which is subject to a builder's lien by virtue of a written building contract, the name and address of the builder, and accompanied by the building contract or a certified copy thereof.
- (e) the address to or at which the owner desires that further documents in connection with the expropriation may be posted or delivered or tendered.

Provided that the (Municipality) may at (its) discretion extend the said period of sixty days, and that, if the owner requests the (Municipality) in writing within thirty days as from the date of notice to extend the said period of sixty days, the (Municipality) shall extend such period by a further sixty days."

“25 (3) Basis on which compensation is to be determined

(3) The amount of the compensation and the time and manner of payment must be just and equitable, reflecting an equitable balance between the public interest and the interests of those affected, having regard to all relevant circumstances, including—

- (a) the current use of the property;
- (b) the history of the acquisition and use of the property;
- (c) the market value of the property;
- (d) the extent of direct state investment and subsidy in the acquisition and beneficial capital improvement of the property; and
- (e) the purpose of the expropriation.”

5. If the title deed to the land is not in the possession or under the control of the Owner(s), you are further requested in terms of Section 9(3)(a) of the Act to provide within sixty days of the date of this notice written particulars of the name and address of the person in whose possession or under whose control it is.

ENQUIRIES can be directed to Gift Doncabe Tel: 031-311 3433, email: doncabe.gift@durban.gov.za

SCHEDULE A

(To Notice of Expropriation in terms of the Expropriation Act 63 of 1975, as amended)

LOWER MALUKAZI				
	PROJECT NAME	PROPERTY DESCRIPTION	APPROXIMATE EXTENT (M²)	OWNERS' DETAILS
1.	Lower Malukazi	Erf 200 Isipingo	2023sqm	Durgapeshad & Jolopershad
2.	Lower Malukazi	Erf 218 Isipingo	20234sqm	Rajputhey & Jugraj
3.	Lower Malukazi	Erf 248 Isipingo	2023sqm	Sadananth Shakila & Dass Rehni and Others
4.	Lower Malukazi	Erf 249 Isipingo	2023sqm	Munsamy
5.	Lower Malukazi	Erf 250 Isipingo	2024sqm	Sarabjit
6.	Lower Malukazi	Erf 254 Isipingo	2023sqm	Nadesan Mahalingam
7.	Lower Malukazi	Erf 255 Isipingo	2023sqm	Chinthamoni
8.	Lower Malukazi	Erf 256 Isipingo	2023sqm	Munsamy
9.	Lower Malukazi	Erf 257 Isipingo	3849sqm	Singh Nishi
10.	Lower Malukazi	Erf 251 Isipingo	1011sqm	Badat Ahomed
11.	Lower Malukazi	Remainder of Erf 252 Isipingo	3118sqm	Singh Bommee & Sigh Ramesh

ZAMANI				
NO	PROJECT NAME	PROPERTY DESCRIPTION	APPROXIMATE EXTENT (M²)	OWNERS DETAILS
1.	Zamani U9	Erf 308 Isipingo	0.7117	Govinosamy & Valaydan
2.	Zamani U9	Erf 309 Isipingo	0.6042	Dusmathy
3.	Zamani U9	Erf 310 Isipingo	1.0579	Gounden Kattiya
4.	Zamani U9	Erf 311 Isipingo	0.9101	Veerammah Naidoo & Adylatchmyamma

UMLAZI INFILL				
NO	PROJECT NAME	PROPERTY DESCRIPTION	APPROXIMATE EXTENT (M²)	OWNER'S DETAILS
1.	Umlazi Infill	Erf 81 Umlazi-G	464sqm	Dlangwana Fikile Medica
2.	Umlazi Infill	Erf156 Umlazi-W	480sqm	Mnyendede Sibusiso Hensford
3.	Umlazi Infill	Erf 545 Umlazi-N	1123sqm	Mgaga Thandanani Collin
4.	Umlazi Infill	Erf 550 Umlazi-N	1277sqm	Sikhosana Naughty Milton
5.	Umlazi Infill	Erf555 Umlazi-G	491sqm	Mkhize Vincent Dumisani
6.	Umlazi Infill	Erf 557 Umlazi-N	918sqm	Ncanana Purity Nokukhanya
	Umlazi Infill	Erf 581 Umlazi-N	991sqm	Gumede Duduzile Renoldah
7.	Umlazi Infill	Erf 605 Umlazi-F	412sqm	Duma Abednego Sibusiso
8.	Umlazi Infill	Erf 625 Umlazi-H	540sqm	Mbele Bhekinhlanhla
9.	Umlazi Infill	Erf 891 Umlazi-R	505sqm	Kunene Zamokuhle Godsent
10.	Umlazi Infill	Erf901 Umlazi-R	298sqm	Msibi Sindisiwe Promise
11.	Umlazi Infill	Erf903 Umlazi-R	310sqm	Shabane Mfanufikile Wilson
12.	Umlazi Infill	Erf1175 Umlazi-E	6114sqm	Shange Zwelikude Joseph
13.	Umlazi Infill	Erf1203 Umlazi-H	2927sqm	Komo Sihle Welcome
14.	Umlazi Infill	Erf1226 Umlazi-N	1050sqm	Mchunu Fikile Dulcie

15.	Umlazi Infill	Erf1258 Umlazi-H	1069sqm	Makhoba Fakazi Goodman
16.	Umlazi Infill	Erf 1427 Umlazi-G	153sqm	Mjwara Eliakim
17.	Umlazi Infill	Erf 1428 Umlazi-G	153sqm	Mkhize Vusumzi Jabulile
18.	Umlazi Infill	Erf1479 Umlazi-C	477sqm	Newane Daniel
19.	Umlazi Infill	Erf 1547 Umlazi-C	779sqm	Shange Zwelikude Joseph
20.	Umlazi Infill	Erf 1606 Umlazi-N	602sqm	Mthwethwa Bongani

Mr T.B. Mbhele
City Manager

1st Floor, City Hall
Dr Pixley Ka-Isaka Seme Street
Durban

UMASIPALA WASETHEKWINI**ISAZISO NO. 2854****ISAZISO SOKUDLIWA NGOKOMTHETHO KOMHLABA**

Sikhishwa uMasipala waseThekwini (“uMasipala) ngaphansi kweSigaba 9(3) soMthetho i-Housing Act, 1997 (Umthetho No. 63 ka-1997); uMthetho i-Expropriation Act, 1975 (Umthetho No. 63 ka-1975) nezichibiyelo zawo (“uMthetho”) neSigaba 25 soMthethosisekelo waseRiphabhliki yaseNingizimu Afrika, 1996 (“uMthethosisekelo”)

ISAZISO SOKUDLIWA NGOKOMTHETHO KOMHLABA UKUZE KWAKHIWE IZINDLU E-LOWER MALUKAZI, ZAMANI KANYE NASEMLAZI INFILL

1. Lesi yisaziso ngaphansi kweSigaba 7, sifundwa neSigaba 5(2) soMthetho i-Expropriation Act No. 63 ka-1975 (uMthetho) sokuthi uMasipala, ngenxa yokungakwazi ukuthenga lezi ziza ezichazwe kule sheduli ephelezela lesi saziso ngokuxoxisana nabanikazi bazo nasemva kokuba ethole igunya kuNgqongqoshe Wezezindlu eSifundazweni saKwaZulu-Natali mhla ka 20 Januwari 2023, uhlose ukudla ngokomthetho ngamandla awanikwa yiSigaba 9(3) soMthetho i-Housing Act, uMthetho 107 ka-1997 kanye neSigaba 5 soMthetho, ngenhloso yokuhlinzekela umphakathi ngezidingo ezithile, okusempeleni ngenhloso yokuqhuba uhlelo lukazwelonke lokwakhiwa kwezindlu kanjengoba luchaziwe eSigabeni 1 somthetho iHousing Act.
2. Usuku lokudla lo mhlaba umhla ka 20 Febhuwari 2023 okuyosukela ngawo ubunikazi balo mhlaba osushiwo obuyodlulela khona kuMasipala.
3. Usuku uMasipala azothatha ngalo lo mhlaba oshiwo kuyokuba umhla ka 20 Febhuwari 2023, ngaphansi kweSigaba 8(3) soMthetho.
4. Bheka imibandela yeZigaba 9(1), neSigaba 25 (3) soMthethosisekelo ezifundeka kanje:

"9 Izibopho zomnikazi womhlaba odliwe noma ozosetshenziswa (uMasipala)

- (1) Umnikazi umhlaba wakhe odliwe ngokulawula koMthetho, kuyothi, zingakapheli izinsuku ezingama-60 kusukela osukwini okuphume ngalo lesi saziso, athumele noma enze ukuba kuthunyelwe kuMasipala isitatimende esibhaliwe esikhombisa -
 - (a)
 - (b) imali ayibizayo njengesinxephezelo nokuthi ingakanani kuleso samba imali eyileyo ebalulwe eSigabeni 12(1)(a)(i) no (ii) noma (b) kanye neminingwane ephelele yokuthi le mali ibalwe kanjani;
 - (c) uma okudliwa ngokomthetho kungumhlaba futhi kubizwa noma yisiphi isamba sibizwa njengokulawula kwesigatshana (b), iminingwane ephelele ephathelene nokwakhiwe kulo mhlaba/nokulungiswa okwenziwe kuwo, ngokubona komnikazi, okunomthelela enanini lalowo mhlaba;
 - (d) uma okudliwa ngokomthetho kungumhlaba -
 - (i) okwathi ngaphambi kosuku lwesaziso wawuqashisiwe, wona wonke noma ingxenye yawo, ngesivumelwano esingabhalisiwe, igama nekheli lesiqashi, bese lokhu kuphelezela yisivumelwano noma ikhophi yaso eqinisekisiwe, uma sibhalwe phansi, noma iminingwane ephelele yesivumelwano, uma singabhalisiwe phansi;

- (ii) okwathi ngaphambi kosuku lwesaziso, wadayiswa ngumniniwo, igama nekheli lomthengi, liphelezulwe yisivumelwano sokuthengiselana noma ikhophi yaso eqinisekisiwe;
- (iii) okwakhiwe kuwo ibhilidi elingaphansi kwesibambiso sikamakhi kuze kukhokhwe imali akweletwa yona ngaphansi kwesivumelwano sokwakha esibhalwe phansi, igama nekheli likamakhi futhi lokhu kuphelezulwe yisivumelwano sokwakha noma yikhophi yaso eqinisekisiwe.
- (e) ikheli lalapho umnikazi afisa ukuba ezinye izincwadi eziphathelene nokudliwa ziposelwe, zihanjiswe noma zithunyelwe khona.

Kweyame ekuthini uMasipala ngokubona kwakhe angasengeza lesi sikhathi esishiwo esiyizinsuku ezingamashumi ayisithupha, nokuthi futhi uma umnikazi embhalela uMasipala emcela zingakapheli izinsuku ezingamashumi amathathu kusukela osukwini lokuphuma kwesaziso, ukuba uMasipala aselule lesi sikhathi esesishiwo esiyinsuku ezingamashumi ayisithupha, uMasipala uyoselula lesi sikhathi ngokwengeza ezinye izinsuku ezingamashumi ayisithupha."

"25(3) Isisekelo okuklanyelwa phezu kwaso isinxephezelo

- (3) Isinxephezelo sikhokhwe nendlela yokusikhokha kumele ibe enobulungiswa futhi enokulingana, ikhombise ukulunganiswa phakathi kwezidingo zomphakathi kanye nalabo athintekayo, kubhekelelwe nayo yonke eminye imibandela, kubalwa –
 - (a) indlela umhlaba osetshenziswa ngayo ngesikhathi sokudliwa kwawo;
 - (b) umlando wokutholwa komhlaba nokusetshenziswa kwawo;
 - (c) intengo umhlaba ongabiza yona lapho udayiswa;
 - (d) ubungako botshalomali noxhasomali olwenziwe umbuso ekutholakaleni kwalowo mhlaba nokuthi uzosiza ngani; kanye
 - (e) nenhloso yokudliwa kwalowo mhlaba"
- 5. Uma itayitela lobunikazi balo mhlaba lingekho kumnikazi noma lingekho ngaphansi kolawulo lwakhe, uyanxuswa futhi ngaphansi kweSigaba 9(3)(a) soMthetho ukuba zingakapheli izinsuku ezingamashumi ayisithupha kusukela osukwini lwalesi saziso unikeze imininingwane ebhalwe phansi yegama nekheli lalowo elikuye noma lowo elingaphansi kolawulo lwakhe leli tayitela.

YONKE IMIBUZO kufanele ibhekiswe kuGift Doncabe: Ucingo: 031-311 3433, nge-email: doncabe.gift@durban.gov.za

ISHEDULI A

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IMenenja yeDolobha

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