



MEDIA STATEMENT

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For immediate release

COURT WILL HEAR LEAVE TO APPEAL IN MAIN STREET EVICTION

The Centre for Applied Legal Studies (CALS), a human rights organisation based at the University of the Witwatersrand, continues to act on behalf of the former residents of 238 Main Street who were unlawfully evicted from their homes late last year.

Since the 8th of January, attorneys at CALS have been representing residents evicted from the building in central Johannesburg. The former occupants of 238 Main Street include several elderly women, young infants and persons suffering serious medical conditions such as tuberculosis. Many of the residents had been living in the building and paying rent there for over a decade. Although a court order granting their eviction exists, this order was never presented to the occupants of the building, and the proper procedure to apply for the order was not followed.

CALS therefore applied for a rescission to have the eviction order overturned, and instituted urgent spoliation proceedings, since clients were left homeless and forced to live under a bridge near the property. When the case was argued later that month, however, the presiding Judge did not consider the situation urgent and it was postponed until the 15th of February.

At that time, the matter was heard by Judge Molahlehi, who instead granted an order against the former residents of 238 Main Street. The Judge dismissed the application for rescission of the court order which granted their eviction in 2012. The Judge further ordered that the City provide alternative accommodation to 33 of the remaining former occupants at the Ekhaya Shelter. The residents at the Shelter were ordered to pay R10.00 per person per day. The residents have instructed their attorneys at CALS to appeal against the judgment.

The judgment regarding the appeal was handed down today. The court dismissed the application for leave to appeal and found that any other court will reach the same decision as in the court a quo.

Zeenat Sujee the attorney handling the matter said “we are consulting with our clients and will be exploring options to ensure that our clients are assisted in the most suitable way.”

Contact

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