



Centre for Applied
Legal Studies

MEDIA RELEASE

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For immediate release

HIGH COURT VICTORY FOR KLIPTOWN COMMUNITY

Today the South Gauteng High Court handed down judgment ordering the City of Johannesburg to relocate residents affected by flooding in the Freedom Charter Square informal settlement in October.

On 31 October, CALS filed an urgent application to the court on behalf of over 250 households living in a floodline in the informal settlement. Heavy rains had destroyed their houses, damaged their belongings and forced them to leave their homes. The application calls on the City of Johannesburg to relocate the community to temporary emergency accommodation.

Though CALS had been engaging with the City of Johannesburg since March 2014, they had failed to address our concerns. When the flooding began in October, with water up to three metres deep in places, the City indicated that the situation was 'not life-threatening'.

Today, Judge Moshidi granted the urgent application with costs, saying: 'In my view, it would be a dereliction of duty for the courts to shirk the duty of rescuing persons like the affected residents and applicants in the circumstances. It is not inconceivable that the current rainy season may last for the next five or six months'. The judgment orders the City to relocate the residents within 7 court days.

'We are elated at the outcome of the matter,' said Zeenat Sujee, attorney at CALS. 'The judgment acknowledges that government has failed its citizens by not responding to their urgent housing needs. It also reinforces our confidence in the courts and enhances the realisation of impoverished communities' Constitutional rights'.

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