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Darling St eviction case delays `justified`

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THE Department of Public Works and Infrastructure (DPWI), currently in a legal battle seeking the eviction of residents at 104-106 Darling Street in Cape Town, has defended itself against criticism that it is not following the proper legal process.

The property is believed to be among the 338 buildings that are owned by the department, which are believed to have been hijacked and/or illegally occupied.

In the DPWI's court papers, it argues the Darling Street address consists of two properties: a dilapidated three-storey building and vacant land adjoining it, which it says "has become vulnerable to unlawful land grabs or land invasions".

The DPWI is seeking an urgent notice as an interim eviction, with the assistance of the Sheriff of the Court and the police, and notices on boards would be displayed to inform the occupants that their personal belongings would be removed.

The matter was set to be heard on April 9, but according to Ndifuna Ukwazi Law Centre (NULC), which is representing the property, it did not proceed as "the state attorney for the minister had not set the matter down, later citing that they needed time to respond to the residents' answering affidavits".

"This shows that the minister had failed to obtain the requisite pre-authorisation to serve the urgent eviction application; failed to attach material reports, and importantly, did not make a case for the extraordinary measure of an urgent eviction that would result in residents being immediately evicted into homelessness," the NULC said.

The matter returned to the Western Cape High Court last Thursday.

"Almost a month later, DPWI has only now filed further papers and approached the court to obtain an order to belatedly authorise the service of the notice of the urgent eviction application, which it now intends to proceed with on June 19."

"NULC and some of its clients were at court prepared to bring to the court's attention the concerning conduct of DPWI, and how the residents of Darling Street are being prejudiced."

"The parties were able to secure an order clarifying the next steps in the matter to ensure that the matter is fully ventilated on this new date," it said.

The organisation and law centre previously said the building was home to more than 60 people who have been living there for decades.

In response, spokesperson for DPWI, Lennox Mabaso, said: "As previously stated, on April 9, 2025, the matter was postponed, as the respondents only indicated their opposition to the application on March 27. Consequently, the legal team had just eight working days to consider their response. The department has now done so and has filed its reply affidavit."

"The department has since become aware of numerous occupants on the property who were not identified during the previous occupation survey. It was, therefore, necessary to postpone the matter to serve the department's application on those occupants and provide them with a fair opportunity to respond."

Mabaso said the City of Cape Town also needs to be given time to finalise its housing report, which must include provisions for those newly identified occupants.



THE dilapidated building at 104 Darling Street. | Independent Newspapers Archives