



**CONSTITUTIONAL COURT OF SOUTH AFRICA**

**Case CCT 84/17**

In the matter between:

**BARBERTON MINES (PTY) LIMITED** Applicant

and

**MPUMALANGA TOURISM AND PARKS AGENCY** First Respondent

**MOUNTAINLANDS OWNERS ASSOCIATION** Second Respondent

**DEPUTY DIRECTOR-GENERAL:  
DEPARTMENT OF MINERAL RESOURCES** Third Respondent

**REGIONAL MANAGER: EMALAHLENI  
REGIONAL OFFICE, DEPARTMENT OF  
MINERAL RESOURCES** Fourth Respondent

**DIRECTOR-GENERAL: DEPARTMENT OF  
MINERAL RESOURCES** Fifth Respondent

**MINISTER OF MINERAL RESOURCES** Sixth Respondent

---


**ORDER DATED 25 JULY 2017**

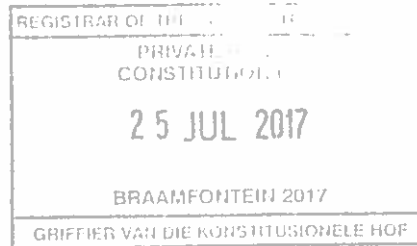
---

CORAM: Mogoeng CJ, Cameron J, Froneman J, Jafta J, Khampepe J, Madlanga J, Mhlantla J, and Zondo J.

The Constitutional Court has considered this application for leave to appeal. It has concluded that the application should be dismissed as it bears no prospects of success.

Order: The application for leave to appeal is dismissed with costs.

  
**MR KGWADI MAKGAKGA**  
**REGISTRAR**  
**CONSTITUTIONAL COURT**



**TO: MALAN SCHOLES INC**

Attorneys for the Applicant

First Floor

1 Jameson Avenue

Melrose Estate

**JOHANNESBURG**

Tel: 011 718 4600

Fax: 087 238 2546

Email: [SSingh@malanscholes.co.za](mailto:SSingh@malanscholes.co.za)/[LNupen@malanscholes.co.za](mailto:LNupen@malanscholes.co.za)

Ref: Ms S Singh/Ms L Nupen/MAT912

**AND TO: RICHARD SPOOR INC ATTORNEYS**

Attorneys for the First and Second Respondents

Eton Building

Sherborne Square

5 Sherborne Street

Parktown

**JOHANNESBURG**

Tel: 011 482 6081

Fax: 011 482 1419

Email: [George@richardspoorinc.co.za](mailto:George@richardspoorinc.co.za)/[Richard@richardspoorinc.co.za](mailto:Richard@richardspoorinc.co.za)

Ref: Spoor/Kahn/Barberton

**AND TO: STATE ATTORNEY**

Attorney for the Third and Fourth Respondents

SALU Building

316 Thabo Sehume Street

**PRETORIA**

Fax: 012 309 1649/03 / 012 309 1650

Email: [SAphiri@justice.gov.za](mailto:SAphiri@justice.gov.za)

Ref: Mr S Mathebula/7468/13/251

**AND TO: DIRECTOR-GENERAL FOR THE DEPARTMENT  
OF MINERAL RESOURCES**

Fifth Respondent

Trevenna Campus

Building 2 C

Meintjies and Francis Baard Street

Sunnyside

**PRETORIA**

**AND TO: MINISTER OF MINERAL RESOURCES**

Sixth Respondent

Trevenna Campus

Building 2 C

Meintjies and Francis Baard Streets

Sunnyside

**PRETORIA**