



**CONSTITUTIONAL COURT OF SOUTH AFRICA**

**Case CCT 203/19**

In the matter between:

**ATHA-AFRICA VENTURES (PTY) LIMITED**

**Applicant**

and

**MINING AND ENVIRONMENTAL JUSTICE  
COMMUNITY NETWORK OF SOUTH AFRICA**

**First Respondent**

**GROUNDWORK**

**Second Respondent**

**EARTHLIFE AFRICA, JOHANNESBURG**

**Third Respondent**

**BIRDLIFE SOUTH AFRICA**

**Fourth Respondent**

**ENDANGERED WILDLIFE TRUST**

**Fifth Respondent**

**FEDERATION FOR A SUSTAINABLE  
DEVELOPMENT**

**Sixth Respondent**

**ASSOCIATION FOR WATER AND THE RURAL  
DEVELOPMENT**

**Seventh Respondent**

**BENCH MARKS FOUNDATION**

**Eighth Respondent**

**MINISTER OF ENVIRONMENTAL AFFAIRS**

**Ninth Respondent**

**MINISTER OF MINERAL RESOURCES**

**Tenth Respondent**

**THE MABOLA PROTECTED ENVIRONMENT  
LANDOWNERS' ASSOCIATION**

**Eleventh Respondent**

**MEC FOR AGRICULTURE, RURAL DEVELOPMENT,  
LAND AND ENVIRONMENTAL AFFAIRS,  
MPUMALANGA**

**Twelfth Respondent**

---


**ORDER DATED 6 NOVEMBER 2019**

---

CORAM: Khampepe ADCJ, Froneman J, Jafta J, Madlanga J, Majiedt J, Mathopo AJ, Mhlantla J, Theron J, Tshiqi J and Victor AJ.

The Constitutional Court has considered this application for leave to appeal. It has concluded that the application should be dismissed as it does not engage this Court's jurisdiction and, in any event, bears no reasonable prospects of success.

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

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

**TO: FASKEN ATTORNEYS**

Attorneys for the Applicant  
Building 2, Inanda Greens  
54 Wierda Road West  
**SANDTON**

Tel: 011 586 6089

Fax: 011 586 6189

Email: [fjoubert@fasken.com](mailto:fjoubert@fasken.com)

Ref: Francois Joubert



**AND TO: CENTRE FOR ENVIRONMENTAL RIGHTS**

Attorneys for the First to Eighth Respondents  
Second Floor, Springtime Studios

1 Scott Road

Observatory

**CAPE TOWN**

Tel: 021 447 1647

Fax: 086 730 9098

Email: [chorsfield@cer.org.za](mailto:chorsfield@cer.org.za) / [spowell@cer.org.za](mailto:spowell@cer.org.za)

Ref: Catherine Horsfield / Suzanne Powell  
**c/o GILDENHUYS MALATJI INC**  
Catherine and West Building  
114 West Street  
Sandton  
**JOHANNESBURG**  
Tel: 011 068 5900 / 012 428 8608  
Fax: 011 068 5901  
Ref: J Smalberger / S Masumpa

**AND TO: OFFICE OF THE STATE ATTORNEY**  
Attorneys for the Ninth, Tenth and Twelfth Respondents  
SALU Building  
316 Thabo Sehume Street  
**PRETORIA**  
Email: simathebula@justice.gov.za; gramutshila@environment.gov.za;  
Pieter.alberts@dmr.gov.za; nndlanya@mpg.gov.za  
Ref: 7515/2015/Z42/DM

**AND TO: THE MABOLA PROTECTED ENVIRONMENT LAND OWNERS'  
ASSOCIATION**  
Eleventh Respondent  
Farm Schoongezicht  
**VOLKRUST**  
Email: malansp@vodamail.co.za