



Francois Joubert
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Case number: 1390/2018
Date: 12 February 2021

Dear Sir

MINING AND ENVIRONMENTAL JUSTICE COMMUNITY NETWORK OF SOUTH AFRICA v MEC FOR AGRICULTURE, RURAL DEVELOPMENT, LAND AND ENVIRONMENTAL AFFAIRS, MPUMALANGA (CASE. NO. 1390/18)

1. We refer to our letter dated 11 November 2020 and your reply dated 20 November 2020 in which you indicated that your client's answering papers should be delivered by 15 December 2020.
2. Your client failed to deliver its answering papers by 15 December 2020, and has, as at the date of this letter, still not done so.
3. We draw your attention to the many indications given by your firm since March 2020 that your client was preparing its answering affidavit and the many extensions afforded your client by our clients since its answering affidavit fell due – as set out in our aforementioned letter.
4. Your client's failure to file its answering affidavit, is prejudicing our clients. We accordingly reserve their rights and deliver, simultaneously with this letter, our client's Notice in terms of Rule 30A, requiring your client to remedy its default by 1 March 2021.
5. In either event, we intend to request judicial case management of the matter under Rule 37A(1)(b) and as provided for in practice directive 7 of the Practice Directives for the Mpumalanga Division. We propose that the further conduct of the matter be regulated as set out in Form B (attached) with a view to having the matter heard on 27 May 2021. Our correspondent has determined that this date is indeed available on the opposed roll. Should your client not be amenable to agreeing to these terms, we intend to prepare a practice note in which we request that a Judge be assigned to actively manage the further conduct of this matter.

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6. Please advise by no later than 19 February 2021 whether or not your client agrees to the terms contained in Form B, whereafter we will deliver it to the Registrar.

Yours faithfully
CENTRE FOR ENVIRONMENTAL RIGHTS

per: 
Tarisai Mugunyani
Attorney
Direct email: tmugunyani@cer.org.za



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**IN THE HIGH COURT OF SOUTHAFRICA
MPUMALANGA DIVISION, MBOMBELA (MAIN SEAT)**

CASE NO: 1390/18

In the matter between:

MINING AND ENVIRONMENTAL JUSTICE COMMUNITY NETWORK OF SOUTH AFRICA	First Applicant
GROUNDWORK	Second Applicant
EARTHLIFE AFRICA, JOHANNESBURG	Third Applicant
BIRDLIFE SOUTH AFRICA	Fourth Applicant
ENDANGERED WILDLIFE TRUST	Fifth Applicant
FEDERATION FOR A SUSTAINABLE ENVIRONMENT	Sixth Applicant
ASSOCIATION FOR WATER AND RURAL DEVELOPMENT	Seventh Applicant
BENCH MARKS FOUNDATION	Eighth Applicant

and

MEC FOR AGRICULTURE, RURAL DEVELOPMENT, LAND AND ENVIRONMENTAL AFFAIRS, MPUMALANGA	First Respondent
CHIEF DIRECTOR: ENVIRONMENTAL AFFAIRS, MPUMALANGA	Second Respondent
ATHA-AFRICA VENTURES (PTY) LTD	Third Respondent
MINISTER OF ENVIRONMENTAL AFFAIRS	Fourth Respondent
THE MABOLA PROTECTED ENVIRONMENT LANDOWNERS ASSOCIATION	Fifth Respondent

NOTICE IN TERMS OF RULE 30A(1)


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KINDLY TAKE NOTICE that in terms of the Applicants' Amended Notice of Motion and Rule 53(1)(b) of the Uniform Rules of Court, the Third Respondent was required, within fifteen (15) days of receipt of that Amended Notice of Motion, to file its answering affidavit.

KINDLY TAKE NOTICE FURTHER THAT the Applicants' Amended Notice of Motion and Supplementary Founding Affidavit was served on the Third Respondent on 18 September 2019 and again on 15 January 2020 and accordingly the Third Respondent's answering affidavit, together with any supporting documents, was required to be delivered by 18 October 2019, or at latest, 31 March 2020.

KINDLY TAKE NOTICE FURTHER THAT the Third Respondent failed to file its answering papers timeously, whereafter the Applicants granted an extension to the Third Respondent serve and file same by 13 July 2020, which the Third Respondent failed to do. Thereafter the Third Respondent and Applicants agreed that the Third Respondent would file its answering papers on 31 July 2020. Further extensions were granted for filing on 31 August 2020 and 15 September 2020. When that date came and went, Third Respondent indicated that it should file its answering papers by 15 December 2020. However, the Third Respondent failed to file its answering papers 15 December 2020 or since.

THEREFORE, KINDLY TAKE NOTICE THAT should the Third Respondent fail to file its answering papers, and notify the Applicants that it has done so, within 10 days of the date of this Notice, the Applicants shall apply for an order that such answering


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papers be dispatched within 5 days of such order, alternatively that the Third Respondent's defence be struck out and/or ancillary relief.

DATED at **MBOMBELA** on this the 12th day of February 2021



CENTRE FOR ENVIRONMENTAL RIGHTS

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C/O: DU TOIT-SMUTS AND PARTNERS

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Fax: 013 752 7079
Ref: S TOWNSEND/mg/M6/18 (CEN22/1)

TO:

THE REGISTRAR
of the above Honourable Court
MBOMBELA

AND TO:

THE STATE ATTORNEY
Attorney for the 1st, 2nd and 4th Respondents



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AND TO:

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C/O CRONJE, DE WAAL – SKHOSANA INC.

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AND TO:

THE MABOLA PROTECTED ENVIRONMENT LANDOWNERS ASSOCIATION

5th Respondent
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AND TO:

AYOOB KAKA ATTORNEYS

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MEF

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NEF