



CONSTITUTIONAL COURT OF SOUTH AFRICA

Case CCT 122/21

In the matter between:

UTHAKA ENERGY (PTY) LIMITED Applicant

and

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

GROUNDWORK Second Respondent

BIRDLIFE SOUTH AFRICA Third Respondent

ENDANGERED WILDLIFE TRUST Fourth Respondent

**FEDERATION FOR A SUSTAINABLE
ENVIRONMENT** Fifth Respondent

**ASSOCIATION FOR WATER AND
RURAL DEVELOPMENT** Sixth Respondent

BENCH MARKS FOUNDATION Seventh Respondent

**MEMBER OF THE EXECUTIVE COUNCIL FOR
AGRICULTURE, RURAL DEVELOPMENT,
LAND AND ENVIRONMENTAL AFFAIRS,
MPUMALANGA** Eighth Respondent

**MINISTER OF ENVIRONMENT, FORESTRY
AND FISHERIES** Ninth respondent

**MINISTER OF MINERAL RESOURCES
AND ENERGY** Tenth Respondent

MINISTER OF HUMAN SETTLEMENTS, WATER AND SANITATION	Eleventh Respondent
ACTING CHIEF DIRECTOR: ENVIRONMENTAL AFFAIRS, DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, LAND AND ENVIRONMENTAL AFFAIRS, MPUMALANGA	Twelfth Respondent
GERT SIBANDE DISTRICT MUNICIPALITY	Thirteenth Respondent
DR PIXLEY KA ISAKA SEME LOCAL MUNICIPALITY	Fourteenth Respondent
WATER TRIBUNAL	Fifteenth Respondent
ESTATE LATE PIERRE WILLIAM BRUWER UYS	Sixteenth Respondent
OCCUPIER OF PORTION 1, FARM YZERMYN 96 HT	Seventeenth Respondent
VOICE COMMUNITY REPRESENTATION COUNCIL	Eighteenth Respondent
THE MABOLA PROTECTED ENVIRONMENT LANDOWNERS ASSOCIATION	Nineteenth respondent

ORDER DATED 4 NOVEMBER 2021

CORAM: Zondo ACJ, Madlanga J, Madondo AJ, Majiedt J, Mhlantla J, Pillay AJ, Rogers AJ, Theron J, Tlaletsi AJ and Tshiqi J.

The Constitutional Court has considered the application for leave to appeal. It has concluded that the application should be dismissed as it is not in the interests of justice for this Court to entertain it at this stage.

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



**MR DUNISANI MATHIBA
ACTING REGISTRAR
CONSTITUTIONAL COURT**

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AND TO: CENTRE FOR ENVIRONMENTAL RIGHTS

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AND TO: STATE ATTORNEY, PRETORIA

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AND TO: OCCUPIER OF PORTION 1, FARM YZERMYN 96 HT

Seventeenth Respondent

Portion 1, Farm Yzermyn 96 HT

WAKKERSTROOM

AND TO: AYOOB KAKA ATTORNEYS

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**AND TO: THE MABOLA PROTECTED ENVIRONMENT
LANDOWNERS ASSOCIATION**

Nineteenth Respondent

Farm Schoongezicht

VOLKSRUST

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