

**IN THE HIGH OF SOUTH AFRICA
EASTERN CAPE DIVISION, MTHATHA**

①

CASE NO – 8/1/2024

In the matter between –

**KING SABATA DALINYEBO
TVET COLLEGE MTHATHA**

APPLICANT

And

**PASMA KSD TVET COLLEGE MTHATHA
BRANCH**

1ST RESPONDENT

**SASCO KSD TVET COLLEGE MTHATHA
BRANCH**

2ND RESPONDENT

**UDESMO KSD TVET COLLEGE MTHATHA
BRANCH**

3RD RESPONDENT

**EFF KSD TVET COLLEGE MTHATHA
BRANCH**

4TH RESPONDENT

**STUDENT REPRESENTATIVE COUNCIL
KSD TVET COLLEGE MTHATHA**

5TH RESPONDENT

ALL THOSE PARTICIPATING
OR INTENDING TO PARTICIPATE
IN UNLAWFUL CONDUCT AT ANY OF
THE APPLICANT'S CAMPUSES AND
PROPERTIES

6TH RESPONDENT

NOTICE OF MOTION

KINDLY TAKE NOTICE THAT the Applicant shall on **TUESDAY the 20TH of FEBRUARY 2024 at 09:00 AM** or so soon thereafter as the matter may be heard apply for an order in the following terms:

1. An order dispensing with the forms, service and time periods prescribed in terms of the Uniform Rules of this Court and directing that the matter be heard as one of extreme urgency in terms of Rule 6(12) of the Uniform Rules of Court;
2. An order is issued dispensing with the citation requirements in Rule 6(2) in respect of the 6th Respondents.
3. That a *rule nisi* hereby be issued herewith in terms of which the Respondents are called upon to show cause on **Tuesday the 27th of**

February 2024 why an order in the following terms should not be made a final order of the above Honorable Court:

- 3.1 That the Respondents be interdicted from committing any act which is prejudicial to the good name, administration, discipline or efficiency of the Applicant or acting in any way which is detrimental to the name and normal functioning of the Applicant.
- 3.2 That the Respondents be interdicted from interfering with the administration of the Applicant;
- 3.3 That the Respondents be interdicted from instructing or affecting or causing any employee, staff member or official of the Applicant to vacate their offices and or leave any of the campuses of the Applicant;
- 3.4 That the Respondents be interdicted from threatening, intimidating, assaulting and or harassing any of the employees, staff members and or officials of the Applicant.
- 3.5 That the Respondents be interdicted from committing arson at or near all of the Respondents campuses *to wit*, Cikirha Campus, Zimbane Campus, Libode Campus, Mngazi Campus

Port St Johns, Maphuzi Campus, Ntabozuko Xhora Campus
and Engcobo Campus

- 3.6 That the Respondent be interdicted from erecting obstacles at the entrance and or entrances of all of the Applicants campuses *to wit*, Cikirha Campus, Zimbane Campus, Libode Campus, Mngazi Campus Port St Johns, Maphuzi Campus, Ntabozuko Xhora Campus and Engcobo Campus to prevent members of the public, students of the Applicant, staff members and employees of the Applicant to enter the aforesaid campuses of the Applicant;
- 3.7 That the Respondents be interdicted from organizing and participating in any protest action, protest meetings and protest marches at any of the campuses or within a radius of 1 kilometer of any of the campuses of the Applicant without the approval of the College Principal and College Council;
- 3.8 That the Respondents be interdicted from participating in conduct which would result in the commencement or escalation of violence at any of the Applicant's campuses;
- 3.9 That the Respondents be ordered to pay costs of this application.

4. That prayers 3.1 – 3.8 shall serve as interim orders until the return date and that prayer 3.9 be granted on the return date.
5. Directing members of the South African Police Service, South African National Defence Force (SANDF) and Local Law Enforcement, as the case may be to forthwith assist the Applicant with the enforcement of the interim and final orders which expedience and utmost urgency at all times when requested by members of the Applicant's staff.
6. Service of this order:
 - 6.1 Service by the Sheriff on the Respondent's main campus at Cicirha, Mthatha by reading out the order by loudhailer at the entrance of thereof.
 - 6.2 By posting an order of this Court on the KSD TVET College Central Facebook page;
 - 6.3 By posting an order of this Court on the KSD TVET College Facebook Group
 - 6.4 By circulating an order of this Court to each and every student's email address as contained in the Applicant's database.

- 6.5 By physically posting an order of this Court on each and every entrance of each and every one of the Applicant's campuses at Cikirha A/A Mthatha, Zimbane A/A Mthatha, Libode, Mngazi A/A Port St Johns, Ntabozuko A/A Xhora and Ngcobo.

KINDLY TAKE NOTICE FURTHER THAT the affidavit of **SANDILE NKOMOZIBOMVU** will be used in support of this application.

TAKE NOTICE FURTHER that a copy of the full application, annexures and confirmatory affidavit is available for inspection at the Applicant's Attorneys address enlisted hereunder.

TAKE NOTICE FURTHER that if you intend to oppose this application then you are required to:

7. File your notice of opposition on or before the 21st of February 2024 appointing Attorneys in such notice within an address as required by Rule 6(5)(b), at which address you shall accept service of all notices and processes in these proceedings.
8. And file your opposing affidavit on or before the 23rd of February 2024.

KINDLY TAKE NOTICE FURTHER that the Applicant has appointed the offices of **M NDABENI INCORPORATED** of 27 Blakeway Road, Mthatha as its Attorneys of record where it shall accept service of all notices and processes in these proceedings.

KINDLY PLACE THE MATTER ON THE URGENT ROLL ACCORDINGLY.

DATED AT MTHATHA ON THIS 16TH DAY OF FEBRUARY 2024.



M NDABENI INCORPORATED ATTORNEYS

APPLICANT'S ATTORNEYS

27 BLAKEWAY ROAD

MTHATHA

Thandondabeni.legal@gmail.com

TEL – 047 531 2781

TO - THE REGISTRAR
THE HIGH COURT
MTHATHA
VICTORIA STREET