

LEGAL DOCUMENTS

High Court Case Noise Respondents

**IN THE HIGH COURT OF SOUTH AFRICA
DURBAN AND COAST LOCAL DIVISION
KWAZULU NATAL**

Case No. 11740/2014

In the matter between: -

Izak Labuschagne

REGISTRAR OF THE HIGH COURT	
KWAZULU-NATAL HIGH COURT DURBAN	
2014 -10- 09	(52)
REPUBLIC OF SOUTH AFRICA PRIVATE BAG X54314, DURBAN 4001	
GRIFFIER VAN DIE HOOGGERECHTSHOF	

1st Applicant

And

- ✓ Minister of Justice 1st Respondent
- ✓ The OC SAPS Tuzi Gazi Waterfront 2nd Respondent
- ✓ The CEO, Umhlatuze Municipality 3rd Respondent
- ✓ The CEO, KZN Liquor Board 4th Respondent

✓ Donald Bruins-lich 5th Respondent 10/10/2014
Mariners Seafood and Sushi Restaurant 13H25

✓ Rob Hughes 6th Respondent
(Tuzi Gazi Waterfront Development)

✓ Port Manager Richards Bay 7th Respondent
Transnet National Ports Authority (TNPA)

Jaco Koontzen 8th Respondent Received 12/10/14
(Slipway Bar)

Mike French 9th Respondent

Stuart Scharnich 10th Respondent
Kings Club

received 12/10/14
Date Name

CITY OF UMHLATUZE	
<i>[Handwritten signature]</i>	

DRENING VAN HIERDIE PROSES AANVAAR DEUR STRAATSPROKUREUR SERVICE OF THIS PROCESS ACCEPTED BY STATE ATTORNEY	
NAMENS ON BEHALF OF <u>Mr of Sust</u>	VERWEERDER/RESPONDENT DEPENDANT/RESPONDENT
OM <u>12h26</u>	OP <u>09/10 2014</u>
<i>Adon Luyben</i> HOOFD. STRAATSPROKUREUR for STATE ATTORNEY	

SONDER BENADELING VAN REGTE/ KLOPPERS INGELYF
10-10-2014
INCORPORATED

11:15 am *[Signature]*

CLERK OF THE COURT	
PRIVATE BAG/PRIVAATSAK X11	
2015 -06- 11	
MOSSIELBAAN/BAY 6500 KLERK VAN DIE HOF	

[Handwritten signature]

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SAPS WW Committal

IT IS ORDERED

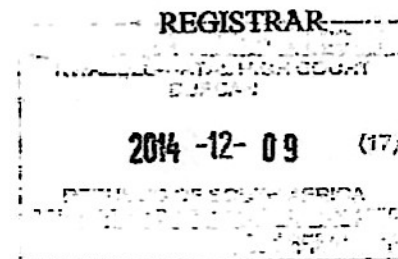
That a rule nisi do issue calling upon the 2nd respondents to show cause on 18 December 2014 why an order should not be granted in terms of:

1. That This Honourable Court grant a decree committing the 2nd respondent for contempt of Court, and that the writ of commitment for contempt attached to this Notice of Motion as annexure "A" be issued by the Registrar of this Honourable Court.
2. That This Honourable Court grant a decree committing the SAPS officers of 2nd respondent appearing on the video evidence provided to this Honourable Court by Applicant for contempt of Court, and that the writ of commitment for contempt attached to this Notice of Motion as annexure "B" be issued by the Registrar of this Honourable Court.
3. Such other or alternative order as to this honourable Court seems fit in the circumstances as set out in the founding affidavit to this Notice of Motion.

BY ORDER OF THE COURT


T MAHOMED HANIF

IN PERSON
/jd



Protection Order against TNPA Harbour Master



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REPUBLIC OF SOUTH AFRICA

FORM 3

[Regulation 4]

INTERIM PROTECTION ORDER

SECTION 3(2) OF THE PROTECTION FROM HARASSMENT ACT, 2011 (ACT NO. 17 OF 2011)

(*Delete whichever is not applicable)

Take note: In terms of section 10(4) of the Protection from Harassment Act, 2011, the physical, home and work address of the complainant or related person must be omitted from the protection order (including any reference to such an address in documents annexed to the interim protection order), unless the nature of the terms of the order necessitates the inclusion of the address.

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF <u>Lower Umfolozi</u>	
HELD AT <u>Empangeni</u>	APPLICATION NO. <u>379/14</u>
In the matter between:	
<u>Labuschagne Izak Hermanus</u>	(Complainant)
AND	
<u>Mkhize Nompumelelo</u>	(Respondent)

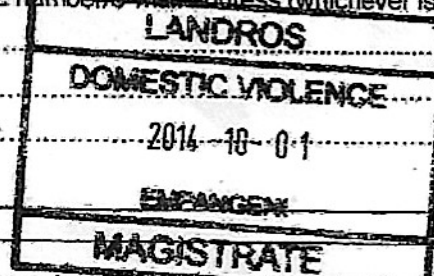
1. PARTICULARS OF RESPONDENT

Name and surname: Mkhize Nompumelelo

Address: Deputy Harbour Masters Office Transnet
National ports authority Richards Bay

Contact number (telephone number/cellular phone number/facsimile number/e-mail address (whichever is available)): 035 905 3131

CERTIFIED A TRUE COPY OF THE ORIGINAL DOCUMENT.



2. PARTICULARS OF APPLICATION

The complainant applied for a protection order against the respondent in terms of the Protection from Harassment Act, 2011 (Act No. 17 of 2011). This court, after considering the application, issued an interim protection order against the respondent.

Protection Order against TNPA Harbour Master (Charges)

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3. PARTICULARS OF INTERIM PROTECTION ORDER

In terms of the interim protection order:

3.1 The respondent is prohibited by this court from —

(a) engaging in or attempting to engage in harassment of —

- * (i) the complainant, and/or
- * (ii) the following related person/s:

- Intimidate or harass the
- complainant and/or his family
- as described in paragraphs
- 7.1 and 7.2 of the application.

* (b) enlisting the help of another person to engage in harassment of the complainant and/or above related person/s; and/or

* (c) committing any of the following act/s:

- (i)
- (ii)
- (iii)

*3.2 The court imposes the following additional conditions that are necessary to protect and to provide for the safety and well-being of the complainant or related person/s:

- (a)
- (b)
- (c)

*3.3 The court orders:

* (a)	That a member of the South African Police Service is to seize the following weapon(s):
* (b)	That a member of the South African Police Service is to accompany the complainant or related person to the following residence:..... to supervise the collection of the complainant's or related person's personal property set out in paragraph 5 of the application for a protection order, and such member is authorised to take all reasonable steps to effect the collection of the said property.





Protection Order against TNPA Harbour Master (Warrant)

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4. The respondent is called upon to show cause on 21/10/14 (the return date) at (time) at the abovementioned court, why the court should not issue a final protection order.
5. The return date specified in paragraph 4, above, may be anticipated by the respondent on not less than 24 hours' notice to the applicant and the court.
6. If the respondent does not appear on the return date and if the court is satisfied that —
(a) proper service has been effected on the respondent; and
(b) the application contains *prima facie* evidence that the respondent has engaged or is engaging in harassment,
the court must issue a final protection order.
7. A copy of the application of the complainant and the record of any evidence noted during proceedings are attached for the information of the respondent.
8. In terms of section 16 of the Act the court may make an order as to costs against a party if it is satisfied that the party in question has acted frivolously, vexatiously or unreasonably.
9. In terms of sections 3(3) and 15(a) of the Protection from Harassment Act, 2011, Station Commander (name and surname), who is a *clerk of court/*sheriff/*peace officer is hereby directed to serve the interim protection order, a copy of the application for a protection order and the record of evidence noted on the respondent in accordance with regulation 28 of the Protection from Harassment Regulations, 2013.


MAGISTRATE

MAGISTRATE		
Private Bag X20023, Empangeni 3980		
	2014-10-01 DATE	
ONE		
EMPANGENI MAGISTRATE'S COURT		
Office stamp		

TAKE NOTE:

(a) A warrant of arrest has been authorised for the arrest of the respondent, the execution of which is suspended subject to the respondent's compliance with any specified prohibition, condition, obligation or order contained in this protection order.

(b) A respondent who contravenes any specified prohibition, condition, obligation or order contained in the protection order is in terms of section 18(1)(a) of the Protection from Harassment Act, 2011, guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding five years.



Criminal cases

SAPS Cases by and reactionary against Izak Labuschagne							
Complainant	Defendant	Case No	Inv. Office	Cell	Charges	Notes	Hearing date
Izak	Mariners	362/07	RB		Provocation Harassment	not prosecuted - Review	01-Dec-14
					Crimes Injuria		
					Theft of keys		
Mariners staff	Izak	363/07	RB		Assault (Reactionary)	To be heard parris passu with 362/07	01-Dec-14
SAPS	Izak	183/10	RB		crimes Injuria Assault verbal	To be heard parris passu with 563/10	01-Dec-14
Izak	SAPS	563/10	Emp - RB		Provocation (Reactionary)	To be heard parris passu with 363/07	01-Dec-14
					Intimidation		
					Contempt		
					Obstructing process		
					Defeating ends of justice		
Nickl	Brulnslich	562/10	E - RB		Intimidation (Reactionary)	To be suspended	
		366/14	Prot order		Provocation	pending settlement	
					Harassment		
					Unlawful entry		
					Attempted damage to property		
Izak	Hughes	564/10	E - RB		Crimes Injuria	To be suspended	
		378/14	Prot order		Provocation	pending settlement	
					Harassment		
Izak	H Master	32/10	E-RB		Crimes Injuria	withdrawn	
		379/14	Prot Order		Harassment	Withdrawn	
French			E - RB		Intimidation	To be suspended	
		396/14	Prot Order		Harassment	pending settlement	
Izak	Taylor		E - RB		Crimes Injuria	To be suspended	
		384/14	Prot Order		Contempt	pending settlement	