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IN THE HIGH COURT OF SOUTH AFRICA
(EASTERN CAPE LOCAL DIVISION, MTHATHA)

CASE NO. 528 / 2016
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In the matter between:

WALTER SISULU UNIVERSITY

APPLICANT

and

ALL STUDENTS AT WALTER SISULU UNIVERSITY

1ST RESPONDENT

AZANIAN STUDENTS CONGRESS

2ND RESPONDENT

PAN AFFRICANIST STUDENT MOVEMENT
OF AZANIA

3RD RESPONDENT

SOUTH AFRICAN STUDENTS CONGRESS

PRIVATE BAG X5017
MTHATHA- 5100

4TH RESPONDENT

STUDENT CHRISTIAN ORGANISATION

2016 -02- 23

5TH RESPONDENT

ANY OTHER STUDENT, STUDENT STRUCTURE
AND/OR BODY ACTING IN COHORTS AND IN
CONCERT WITH THE 1ST, 2ND, 3RD, 4TH & 5TH
RESPONDENTS

CIVIL SECTION NO4
EASTERN CAPE LOCAL DIVISION, MTHATHA

6TH RESPONDENT

NOTICE OF MOTION

KINDLY TAKE NOTICE THAT application has been made to the above Court on Wednesday the 17 February 2016 at 21h00 and an order in the following terms was granted:

1. The applicant is hereby granted leave to bring this application as one of urgency in terms rule 6 (12) of the rules of this Court and all formalities

regarding notice, service and time frames applicable thereto be and hereby dispensed with.

2. That a rule *nisi* do hereby issue calling upon the respondents to show cause, if any, before this Court on **Tuesday the 23rd day of February 2016 at 10H00** in the forenoon or so soon thereafter as Counsel may be heard why the following orders should not be made final:

2.1. That the first, second, third, fourth, fifth and sixth respondents be and are hereby forthwith interdicted and restrained from unlawfully interfering with the proper and daily running, management, functioning and operations of the applicant, Walter Sisulu University (the "university").

2.2. That the first, second, third, fourth, fifth and sixth respondents be and are hereby forthwith interdicted and restrained from intimidating, threatening, assaulting, and/or interfering with other students, workers, security, lecturers, management and/or employees of the applicant.

2.3. That the first, second, third, fourth, fifth and sixth respondents be and are hereby forthwith interdicted and restrained from blocking access to and/or interfering with access of other students, workers, security, lecturers, management and/or employees of the applicant to the university, its libraries, residences and lecture halls.

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2.4. That the first, second, third, fourth, fifth and sixth respondents be and are hereby forthwith interdicted and restrained from destroying the university property.

3. That paragraphs 2.1, 2.2, 2.3 and 2.4 shall operate as an interim relief and *mandamus* in the applicants' favour pending the adjudication and finalisation of the application for the relief contemplated in paragraph number 4 and 5 of the notice of motion.

4. That the first, second, third, fourth, fifth and sixth respondents' conduct in:

4.1. intimidating, threatening, assaulting, and/or interfering with other students, workers, security personnel, lecturers, management and/or employees of the applicant;

4.2. blocking access to and/or interfering with access of other students, workers, security personnel, lecturers, management and/or employees of the applicant to the university libraries, residences and lecture halls, interfering with the proper and daily running, management, functioning and operations of the university; and

4.3. damaging university property

be and is hereby declared unlawful.

5. That in the execution of this order, if need be, the Sheriff of this Court be assisted by members of the South African Police Services.

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6. In the event of non-compliance with this order, the applicant is granted leave to apply, on these papers duly amplified and on an urgent basis, for the eviction of the respondents from the university.
7. The rules *nisi* granted herein shall be anticipated on the basis of the provisions of the rules of this Court.
8. The applicant is directed to serve papers upon the Respondents together with this order by pasting it in all conspicuous places in and around the university including but not limited to offices of the respondents, main notice boards, faculty notice boards, all residences and the main entrance to all university buildings.
9. That costs of the application for interim relief are reserved.

KINDLY TAKE NOTICE THAT THE founding affidavit deposed to by **KHAYA MFENYANA** together with all annexures thereto shall be used in support of this application.

KINDLY TAKE NOTICE FURTHER THAT the applicant has chosen the address of its attorneys more fully set out below as the address at which it shall accept service and notices of all processes in these proceedings.

KINDLY TAKE NOTICE FURTHER THAT if the respondents desire to oppose the granting of the relief sought herein shall:

- (i) Serve and file its notice in writing that they intend to oppose this application within 5 (five) days of receipt of this application and to

AND TO : SOUTH AFRICAN STUDENTS CONGRESS
Fourth Respondent
Walter Sisulu University
MTHATHA

AND TO : STUDENT CHRISTIAN ORGANISATION
Fifth Respondent
Walter Sisulu University
MTHATHA

**AND TO: ANY OTHER STUDENT, STUDENT STRUCTURE
AND/OR BODY ACTING IN COHORTS AND IN
CONCERT WITH THE 1ST, 2ND, 3RD, 4TH & 5TH
RESPONDENTS**
Sixth Respondent
Walter Sisulu University
MTHATHA

**IN THE HIGH COURT OF SOUTH AFRICA
(EASTERN CAPE LOCAL DIVISION, MTHATHA)**

In Mthatha on the 17 February 2016
Before the Honourable Mr. Acting Justice Brooks

CASE NO. 528 / 2016

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APPLICANT

and

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3RD RESPONDENT

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4TH RESPONDENT

STUDENTS CHRISTIAN ORGANISATION

5TH RESPONDENT

**ANY OTHER STUDENT, STUDENT STRUCTURE
AND/OR BODY ACTING IN CORHOTS AND
IN CONCERT WITH THE 1ST, 2ND, 3RD, 4TH & 5TH
RESPONDENTS**

6TH RESPONDENT

Mr. Bodlani for the applicant
No appearance for the respondents

WHEREUPON after reading documents filed of record and hearing Counsel, it is hereby ordered that:

1. The applicant is hereby granted leave to bring this application as one of urgency in terms rule 6 (12) of the rules of this Court and all formalities regarding notice, service and time frames applicable thereto be and hereby dispensed with.



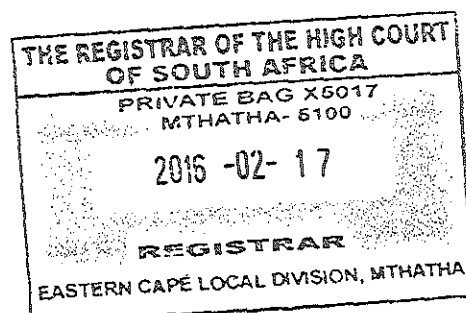
2. That a rule *nisi* do hereby issue calling upon the respondents to show cause, if any, before this Court on **Tuesday** the **23rd** day of **February 2016** at **10H00** in the forenoon or so soon thereafter as Counsel may be heard why the following orders should not be made final:

2.1 That the first, second, third, fourth, fifth and sixth respondents be and are hereby forthwith interdicted and restrained from unlawfully interfering with the proper and daily running, management, functioning and operations of the applicant, Walter Sisulu University (the "university").

2.2 That the first, second, third, fourth, fifth and sixth respondents be and are hereby forthwith interdicted and restrained from intimidating, threatening, assaulting, and/or interfering with other students, workers, security, lecturers, management and/or employees of the applicant.

2.3 That the first, second, third, fourth, fifth and sixth respondents be and are hereby forthwith interdicted and restrained from blocking access to and/or interfering with access of other students, workers, security, lecturers, management and/or employees of the applicant to the university, its libraries, residences and lecture halls.

2.4 That the first, second, third, fourth, fifth and sixth respondents be and are hereby forthwith interdicted and restrained from destroying the university property.



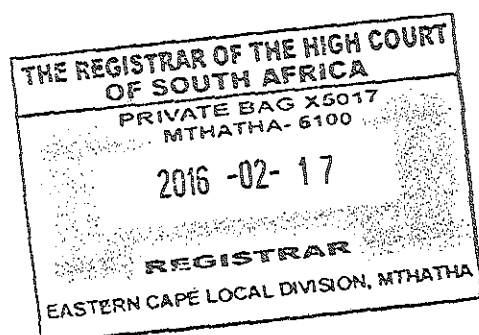
3. That paragraphs 2.1, 2.2, 2.3 and 2.4 shall operate as an interim relief and *mandamus* in the applicants' favour pending the adjudication and finalisation of the application for the relief contemplated in paragraph number 4 and 5 of the notice of motion.

4. That the first, second, third, fourth, fifth and sixth respondents' conduct in:
 - 4.1 intimidating, threatening, assaulting, and/or interfering with other students, workers, security personnel, lecturers, management and/or employees of the applicant;

 - 4.2 blocking access to and/or interfering with access of other students, workers, security personnel, lecturers, management and/or employees of the applicant to the university libraries, residences and lecture halls, interfering with the proper and daily running, management, functioning and operations of the university;

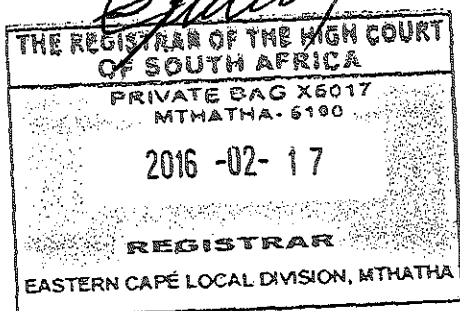
 - 4.3 damaging university propertybe and is hereby declared unlawful.

5. That in the execution of this order, if need be, the Sheriff of this Court be assisted by members of the South African Police Services.



6. In the event of non-compliance with this order, the applicant is granted leave to apply, on these papers duly amplified and on an urgent basis, for the eviction of the respondents from the university
7. The rules *nisi* granted herein shall be anticipated on the basis of the provisions of the rules of this Court.
8. The Applicant is directed to serve papers upon the Respondents together with this order by pasting it in all conspicuous places in and around the university including but not limited to offices of the respondents, main notice boards, faculty notice boards, all residences and the main entrance to all university buildings.
9. That costs of the application for interim relief are reserved.

COURT / REGISTRAR



**IN THE HIGH COURT OF SOUTH AFRICA
[EASTERN CAPE LOCAL DIVISION, MTHATHA]**

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**ANY OTHER STUDENT, STUDENT
STRUCTURE AND/OR BODY ACTING
IN CONCORD AND IN CONCERT WITH
THE 1ST, 2ND, 3RD, 4TH & 5TH RESPONDENTS 6TH RESPONDENT**

MTHATHA 23 FEBRUARY 2015

Before the **Honourable Madam Justice DAWOOD**

Mr Ntayiya, Attorney for the Applicant

No appearance for the Respondents

HAVING read documents filed of record and hearing legal representative for the Applicant:

IT IS ORDERED THAT :

1. The *rule nisi* granted in favour of the applicant on 17/02/2016 be and is hereby extended to 08/03/2016.
2. There shall be no order as to costs.

2.

3. The *rule* and extension to be served upon the respondents paid to the return date.

BY THE COURT


REGISTRAR