



**IN THE HIGH COURT OF SOUTH AFRICA**  
**(NORTH WEST DIVISION, MAHIKENG)**

CASE NO: M 365/2022

Held at MMABATHO on this the 21<sup>st</sup> day of JULY 2022  
BEFORE the Honourable Madam Justice DJAJE

In the *ex parte* application of:

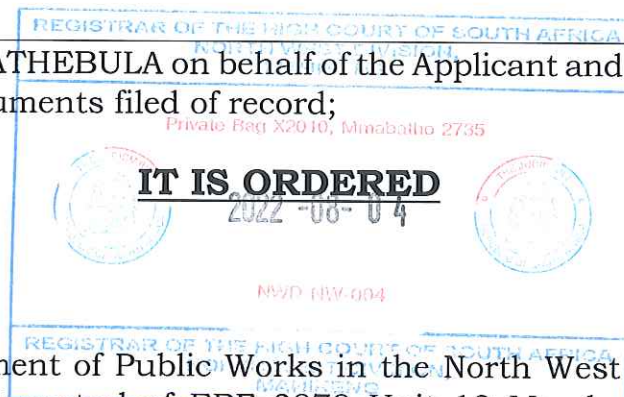
**NATIONAL DIRECTOR OF  
PUBLIC PROSECUTIONS**

**APPLICANT**

***In re:*** ERF 3878 UNIT 12 MMABATHO, MEASURING 2184 SQUARE METERS IN  
EXTENT HELD BY DEED OF TRANSFER T314/2017 REGISTERED IN THE  
NAME OF TJ MAMPE TRADING AND PROJECTS REGISTRATION NO:  
2007/24820/23

**IN AN APPLICATION FOR A PRESERVATION OF PROPERTY ORDER IN TERMS OF  
SECTION 38 OF THE PREVENTION OF ORGANISED CRIME NORTH WEST DIVISION,  
MAHIKENG**

HAVING HEARD ADV MATHEBULA on behalf of the Applicant and having read the Notice  
of Motion and other documents filed of record;



**The Property**

1. THAT: The Department of Public Works in the North West is authorised to take custody and control of ERF 3878 Unit 12 Mmabatho, measuring 2184 square metres in extent held by Deed of T313/2017 registered in the name of TJ Mampe Trading and Projects Registration number No: 2007/24820/23 and do any and all things necessary to preserve the property pending the finalisation of the forfeiture proceedings.
2. THAT: The Register of the Vryburg Deeds Office is also directed to endorse the title deed of the property specified in paragraph 1 with the following restrictions pending the finalisation of the forfeiture proceedings, namely that the property shall not without the consent of this Court:
  - 2.1 be mortgaged or otherwise encumbered;
  - 2.2 be attached or sold in execution; or

### **Prohibition against dealing in any manner with the property**

3. THAT: In terms of section 38(2) of the **Prevention of Organised Crime Act, No 121 of 1998 (“the Act”)** all persons with knowledge of this order, are, other than as required and permitted by this order, prohibited from removing, taking possession of or control over, dissipating, interfering with or otherwise dealing in any manner with the property to which this order relates.
4. THAT: The property shall remain in the custody of

### **Service and publication**

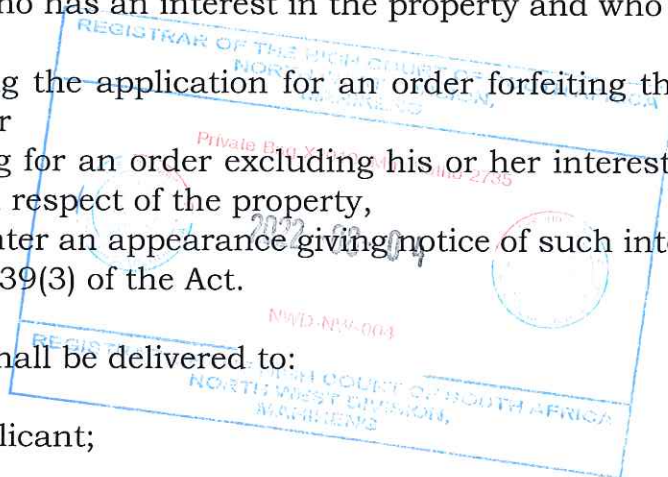
5. THAT: The Applicant shall, in terms of section 39 of the Act:

Cause notice of this order, in the form set out in Annexure A hereto, together with the documents supporting the application, to be served by the sheriff on:

- a) Tshiamo Justice Mampe residing at 6838 Pratia Close Unit 15, Mmabatho, and
- b) Cause notice of this order, in the form set out in Annexure “A” hereto, to be published in the Government Gazette as soon as practicable after the order is granted.

### **Entry of appearance to oppose forfeiture order**

6. THAT: Any person who has an interest in the property and who intends:
- a) opposing the application for an order forfeiting the property to the State; or
  - b) applying for an order excluding his or her interest from a forfeiture order in respect of the property,
  - c) must enter an appearance giving notice of such intention in terms of section 39(3) of the Act.
7. THAT: Such notice shall be delivered to:
- a) the Applicant;
  - b) In the case of any person specifically identified for service in terms of this order, within 14 calendar days after such service; and
  - c) In the case of any other person, 14 calendar days after the date upon which a notice of the order was published in the Government Gazette.





8. THAT: A notice in terms of section 39 must contain full particulars of the chosen address for the delivery of documents concerning further proceedings in this matter and must be accompanied by an affidavit setting out: -

- a) Full particulars of the identity of the person giving the notice;
- b) The nature and extent of his or her interest in the property concerned;
- c) Whether he or she intends opposing the making of the forfeiture order, or whether he or she intends applying for an order excluding his or her interest in that property from the operation of the order;
- d) Whether he or she admits or denies that the property concerned is an instrumentality of an offence referred to in schedule 1 of the Act, or is the proceeds of unlawful activities and the basis for such defence;
- e) If he or she intends applying for the exclusion of his or her interests from the operation of the forfeiture order, the basis for such application.

9. THAT: Any person who is affected by the order may on good cause shown, apply for reconsideration thereof. Such application shall be made upon 72 hours notice (or such shorter period as the Court may determine on good cause shown) to:

- a) the Applicant and all other persons identified in this order as being persons who may have an interest in the property, and;
- b) must be made not later than 8 days after the person applying for reconsideration becomes aware of the existence of the order, or within such further period as the Court may consider reasonable, bearing in mind the underlying objectives of Chapter 6 of the Act.

NDPP



BY THE COURT  
 REGISTRAR OF HIGH COURT  
 NORTH WEST HIGH COURT  
 MAFIKENG  
 REGISTRAR