



THE SUPREME COURT OF APPEAL OF SOUTH AFRICA

MEDIA SUMMARY

From: The Registrar, Supreme Court of Appeal

Date: 23 June 2026

Status: Immediate

The following summary is for the benefit of the media in the reporting of this case and does not form part of the judgments of the Supreme Court of Appeal

City of Johannesburg Metropolitan Municipality v Bantham and Others (1489/2024) [2026]
ZASCA 86 (23 June 2026)

Today, the Supreme Court of Appeal (SCA) upheld an appeal by the City of Johannesburg Metropolitan Municipality (the City) against an order of the Gauteng Division of the High Court, Johannesburg (the high court), which had granted spoliation and interdictory relief in favour of Mr Calvin Bantham and a group of alleged occupiers of municipal land in Rabie Ridge (the respondents).

The respondents alleged that they had occupied municipal land from September 2023 and that the City had unlawfully dispossessed and evicted them during a series of demolition operations conducted without a court order. They sought restoration of possession under the *mandament van spolie* and an interdict preventing further evictions without judicial authorisation. The high court found in favour of the respondents and granted relief to more than 200 individuals listed in an annexure compiled by the court itself. The City appealed, contending that the respondents had failed properly to identify the persons seeking relief, had not established their occupation of the property, and had not proved their entitlement to the orders granted.

The SCA held that the respondents bore the onus of proving both their *locus standi* (legal standing) and the factual basis for the relief sought. The Court found that the respondents had failed adequately to identify the alleged occupiers, relying instead on deficient confirmatory affidavits and other irregularly filed documents. It further held that the high court erred by

compiling its own list of persons entitled to relief and by effectively remedying deficiencies in the respondents' case. The SCA emphasised that courts may not assume the responsibility of establishing a litigant's case where the evidence necessary to prove entitlement to relief has not been properly placed before the court. In the context of ongoing land invasion disputes, persons claiming the protection of the law must establish the bona fides of their claims through sufficient and admissible evidence.

The Court concluded that the respondents had failed to prove that they were the persons who occupied the property or whose structures had been demolished and accordingly had failed to establish their entitlement to either spoliation or interdictory relief. The appeal was therefore upheld, and the order of the high court was replaced with an order dismissing the application. No costs order was made against the respondents.

~The End~