



THE SUPREME COURT OF APPEAL
REPUBLIC OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal

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Status: Immediate

Please note that the media summary is intended for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal.

M L JOUBERT & OTHERS v MARANDA MINING COMPANY (PTY) LTD

The Supreme Court of Appeal (SCA) today confirmed the decision of the South Gauteng High Court which had ruled in favour of Maranda Mining Company (PTY) LTD (Maranda).

The high court had granted Maranda an order, amongst others, interdicting and restraining the appellants from refusing to allow Maranda access to a portion of a farm in Leydsdorp, Limpopo Province in respect of which the latter had purchased certain mineral rights. Maranda had subsequently been granted a mining permit by the Minister of Minerals and Energy in accordance with the Mineral and Petroleum Resources Development Act 28 of 2002. The Minister had also approved an environmental management plan submitted by Maranda regarding the intended mining activities on the affected portion of the farm.

The appellants are trustees of Sanwild Wildlife Trust who is the lawful occupier and part owner of the farm and operates a wildlife sanctuary and an eco-tourism enterprise on the farm. Sanwild The appellants had thwarted several attempts by Maranda to gain access to the farm informing it that under no circumstances

would it be allowed access. The impasse persisted even after Maranda had formally consulted the appellants as required by the Act.

The SCA rejected the appellant's argument that Maranda had sought access in contravention of its environmental management plan as well as that the only solution of the impasse was expropriation of the farm in terms of the Act. The SCA found that the unreasonable conduct of the appellants was not countenanced by the Act and ruled that, having complied with all the requirements of the Act, Maranda had acquired the right to enter the farm for purposes of exploiting its mineral rights.