



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

DATE: 2 JUNE 2008

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

The Supreme Court of Appeal today upheld an appeal brought by the City of Cape Town against a judgment given in favour of a Western Cape property developer Helderberg Park Development (Pty) Ltd. The case related to a decision by the Helderberg local authority to approve the subdivision of property belonging to the developer subject to its transferring to the local authority a strip of land for the building of a road. The developer contended that the strip it was required to transfer was broader than required to satisfy the normal need arising from the subdivision and sought compensation for the portion not so required. It had not appealed against the local authority's decision nor had it set aside on review.

The Supreme Court of Appeal held that it was not entitled to claim compensation in the circumstances.