

■ LITIGATION

# City legal battles pile up

*Community Chest chief executive says cases it is involved in show it is fighting the poor*

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THE CITY has been involved in a pile of legal cases since the start of the nationwide lockdown over the Disaster Management Act and activists have accused it of fighting the poor.

The legal battles include three cases relating to the Strandfontein temporary homeless shelter, the eviction of Empolweni residents and the most recent being the Legal Resource Centre regarding traders.

Mayco member for Human Settlements Malusi Boozi said: "The City legally acted to prevent the illegal occupation of its land in accordance with a court order. Land invasions are illegal and place a strain on City resources, including its Covid-19 response to assist vulnerable residents.

This matter was brought by the Legal Resource Centre and not the City and the City had to respond."

The City's spokesperson, Luthando Tyhalibongo, said the City did not oppose all urgent applications.

"Every matter is accessed on merit, and depending on the need to protect the interests of the City, a decision is made whether to oppose/defend the matter," Tyhalibongo said.

Community Chest chief executive Lorenzo Davids said: "The cases that the City is involved with really show how the City is fighting against poor people and the demands of poor people for a better life.

"It's critical that we understand that the money spent on various legal challenges stems from the City not having a pro poor policy to engage in the betterment of the most vulnerable

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Proliferation of litigation in these uncertain times is troubling...

Jonty Cogger  
NDIFUNA UKWAZI ATTORNEY

communities.”

Davids said the number of cases the City was fighting and using legal fees showed where the City's priorities were. Pressed to give the cost estimate of the cases Tyhalibongo said: "It is impossible to provide the cost of the legal action at this time given

that some of the matters have not been finalised as yet. The City always considers the cost implications when appointing legal teams," he said.

Today, the matter between the City and the SA Human Rights Commission (SAHRC) is expected to be heard. The City interdicted the SAHRC from sending human rights monitors to the Strandfontein site to monitor the living conditions of homeless people.

Attorney at Ndifuna Ukwazi Jonty Cogger said: "All the cases involve circumstances in which vulnerable residents' fundamental human rights are at stake. A proliferation of litigation against the City by residents trying to protect their homes or livelihoods in these uncertain times is troubling, especially where the public should be protected by the City, rather than threatened by it."