

  
18/04/2018

**IN THE HIGH COURT OF NAMIBIA: NORTHERN LOCAL DIVISION  
HELD AT OSHAKATI ON WEDNESDAY, THE 18<sup>TH</sup> DAY OF APRIL 2018  
BEFORE THE HONOURABLE MR JUSTICE CHEDA**

CASE NO: HC-NLD-CIV-MOT-GEN-2018/00005

In the matter between:

**STANTOLL PROPERTIES CC**

**APPLICANT**

and

**LUKAS JOHANNES**

**RESPONDENT**

CASE NO: HC-NLD-CIV-ACT-DEL-2018/00228

In the matter between:

**ONGWEDIVA TOWN COUNCIL**

**APPLICANT**

and

**SEM AMUNYELA KAVILI**

**1<sup>ST</sup> RESPONDENT**

**REBBECA MIKA**

**2<sup>ND</sup> RESPONDENT**

**MARTHA NDAHAFI**

**3<sup>RD</sup> RESPONDENT**

**RUBEN NGOOMOKA**

**4<sup>TH</sup> RESPONDENT**

**JOHANNA NDUME**

**5<sup>TH</sup> RESPONDENT**

**MARIANA SHAANIKA**

**6<sup>TH</sup> RESPONDENT**

**IIHELELE ELLSIN**

**7<sup>TH</sup> RESPONDENT**

**SHIKONGO MATHEUS SHIIMI**

**8<sup>TH</sup> RESPONDENT**

**ANGULA DANIEL**

**9<sup>TH</sup> RESPONDENT**

**HANGULA LUKAS**

**10<sup>TH</sup> RESPONDENT**

**JOHANNES MUKAMBA PAULUS**

**11<sup>TH</sup> RESPONDENT**

**VAPOPYA EPIFANIA KAULINGE**

**12<sup>TH</sup> RESPONDENT**

**MAGGY OMAGANO NANGOLO**  
**PENELAO SELMA SILVERA**  
**IPANDULWA NEKAVU**  
**ONDALYIKWIITHANA NENKAVU**  
**WALDE HATUTALE**

**13<sup>TH</sup> RESPONDENT**  
**14<sup>TH</sup> RESPONDENT**  
**15<sup>TH</sup> RESPONDENT**  
**16<sup>TH</sup> RESPONDENT**  
**17<sup>TH</sup> RESPONDENT**

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Having heard **Ms Horn**, on behalf of the **Applicant** and **Ms Amupolo**, on behalf of the **Respondent**, and having read the documents filed of record under case no: HC-NLD-CIV-MOT-GEN-2018/00005, and having heard **Ms Ndilula**, on behalf of the **Applicant** and **Ms Amupolo**, on behalf of the **Respondents**, and having read the documents filed of record under case no: HC-NLD-CIV-ACT-DEL-2018/00228;

**IT IS ORDERED THAT:**

1. A constitutional issue has been raised in these matters which touches on the possibility of an infringement of the parties' constitutional rights in particular some sections of the Communal Land Reform Act, no. 5 of 2002.
2. In light of this new development, I have discussed these matters with the Judge President who has directed that all matters regarding land disputes should be placed before him.
3. Both matters are postponed to the 25<sup>th</sup> of April 2018 at 10h00 before the Honourable Mr. Justice Damaseb, JP/DCJ in this Court.
4. The interim order issued under case number HC-NLD-CIV-MOT-GEN-2018/00005 is extended to 25 April 2018.
5. Each party to bear their own costs.

**BY ORDER OF THE COURT**



REGISTRAR

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**TO: W HORN ATTORNEYS  
SUITE 101, THE PALMS COMPLEX  
C/O ROBERT MUGABE & MAIN ROAD  
OSHAKATI**

**AND TO: HENRY SHIMUTWIKENI & CO INC. C/O AMUPOLO & CO INC  
UNIT 3 & 4, NORTH PARK 2  
SAM NUJOMA DRIVE  
ONGWEDIVA**

**AND TO: SAMULE LEGAL PRACTITIONERS  
UNIT 24, SUN SQUARE MALL  
MAIN ROAD  
ONDANGWA**