

IN THE HIGH COURT OF NAMIBIA, MAIN DIVISION, WINDHOEK  
THURSDAY, 18 AUGUST 2016  
BEFORE THE HONOURABLE MR JUSTICE UEITELE

In the matter between:

THE N#JAQNA CONSERVANCY COMMITTEE

APPLICANT

and

THE MINISTER OF LANDS AND RESETTLEMENT

AND 35 OTHERS

RESPONDENTS

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Having heard **Mr. Tjombe** Counsel for the applicant and **Ms Malambo** counsel for the 1<sup>st</sup> to 4<sup>th</sup> respondents and having read documents filed of record.

**IT IS ORDERED THAT:**

1. The 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup>, 11<sup>th</sup>, 16<sup>th</sup>, 17<sup>th</sup>, 20<sup>th</sup>, 21<sup>st</sup>, 22<sup>nd</sup>, 23<sup>rd</sup>, 24<sup>th</sup>, 25<sup>th</sup>, 26<sup>th</sup>, 27<sup>th</sup>, 28<sup>th</sup>, 31<sup>st</sup>, 32<sup>nd</sup>, 33<sup>rd</sup>, 34<sup>th</sup> and 35<sup>th</sup> respondents are restrained from occupying the areas (situated within the geographical area of the N#Jagna Communal Conservancy as published under Government Notice No. 162 of 2003 in Government Gazette No. 3027 of 24 July 2003) which they presently occupy.
2. The 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup>, 16<sup>th</sup>, 17<sup>th</sup>, 20<sup>th</sup>, 21<sup>st</sup>, 22<sup>nd</sup>, 23<sup>rd</sup>, 24<sup>th</sup>, 25<sup>th</sup>, 26<sup>th</sup>, 27<sup>th</sup>, 28<sup>th</sup>, 31<sup>st</sup>, 32<sup>rd</sup>, 34<sup>th</sup> and 35<sup>th</sup> must, not later than sixty days, from the date of this order, remove the fences which they have erected in the area of the N#Jagna Communal Conservancy.
3. The 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup>, 16<sup>th</sup>, 17<sup>th</sup>, 20<sup>th</sup>, 21<sup>st</sup>, 22<sup>nd</sup>, 23<sup>rd</sup>, 24<sup>th</sup>, 25<sup>th</sup>, 26<sup>th</sup>, 27<sup>th</sup>, 28<sup>th</sup>, 31<sup>st</sup>, 32<sup>nd</sup>, 33<sup>rd</sup>, 34<sup>th</sup> and 35<sup>th</sup> respondents must, not later than sixty days, from the date of this order give vacant possession of the areas they unlawfully occupy to the applicant.
4. The 2<sup>nd</sup> and 3<sup>rd</sup> respondents, must, where any one of the respondents mentioned in paragraph 1 of this order fail to remove a fence erected in contravention of the Communal Land Reform Act, 2002, or to remove their livestock from the area constituting the N#Jagna Communal Conservancy, take the necessary action to cause to be removed the fences and the livestock.

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5. That the settlement agreement between the applicant and the 30<sup>th</sup> respondent is hereby made an order of Court.

**BY ORDER OF COURT-**

  
**REGISTRAR**

To: → Legal Assistance Centre  
Government Attorney  
Thambapilai Associates  
JR Kaumbi Inc  
Sisa Namandje & Co Inc

