

Rule 65(4)
APPLICATION: NOTICE OF MOTION
(To Registrar and Respondent)
IN THE HIGH COURT OF NAMIBIA
(Main Division)

Case Number: HC-MD-CIV-MOT-GEN-2022/00408

In the matter between:

ANDREAS DIMBA THIMBUNGA	1st APPLICANT
LUKAS KAMATI SOSA	2nd APPLICANT
FILLIP LOUIS	3rd APPLICANT
MOSES NDUMBA	4th APPLICANT
ANDREAS MUTIGHONA SHIPUTA	5th APPLICANT

and

THE PRESIDENT OF THE REPUBLIC OF NAMIBIA	1st RESPONDENT
THE MUNICIPAL COUNCIL OF TSUMEB	2nd RESPONDENT
THE MINISTER OF JUSTICE	3rd RESPONDENT
THE MINISTER OF URBAN & RURAL DEVELOPMENT	4th RESPONDENT
THE MINISTER OF SAFETY & SECURITY	5th RESPONDENT
THE MINISTER OF TRADE & INDUSTRY	6th RESPONDENT
THE REGISTRAR OF DEEDS	7th RESPONDENT
THE INSPECTOR-GENERAL OF THE NAMIBIAN POLICE	8th RESPONDENT
THE TLC WORKERS COMMITTEE	9th RESPONDENT
GOVERNMENT INSTITUTIONS PENSION FUND	10th RESPONDENT
THE OMBUDSMAN	11th RESPONDENT
ENDOBO PROPERTIES CC	12th RESPONDENT
HERMANUS CHRISTO GROENEWALD	13th RESPONDENT
THE WORKERS ADVICE CENTRE	14th RESPONDENT
ANTI-CORRUPTION COMMISSION	15th RESPONDENT
THE DEPUTY SHERIFF FOR TSUMEB	16th RESPONDENT
TSUMEB CONCERNED GROUP	17th RESPONDENT

TAKE NOTICE that **ANDREAS DIMBA THIMBUNGA , LUKAS KAMATI SOSA** and 3 others (hereinafter called the applicants) intends to make application to this court for an order

- 1 Ordering a public inquiry in terms of Section 17 of the High Court Act of 1990 read with Article 23 of the Constitution and Section 23 of the Supreme Court Act of 1990 into the ownership of

the property on which the hostel is situated with regard to the 10 March 2000 High Court Order;

- 2 Setting aside the warrants of eviction in question from Old TCL Hostel as nullities and of no force and effect;
- 3 Ordering second and thirteenth respondents to reimburse the applicant's jointly and severally for the rent paid unlawfully to the thirteenth respondent;
- 4 Ordering the eighth and sixteenth respondent to desist from disturbing and undisturbed and peaceful existence of the Old TCI Hostel community;
- 5 Ordering the fifth, eighth and sixteenth respondents to cease their abuse of power and violence used against the applicants;
- 6 Ordering second, fifth, thirteenth and sixteenth respondents to pay punitive costs jointly and severally to the applicants;
- 7 Further and/ or alternative relief;

TAKE NOTICE FURTHER that if you intend to oppose this application you are required to-

(a) notify applicant's legal practitioner in writing within 15 days from date of service of this application, of your intention to oppose this application, by service a copy of your intention to oppose on applicant at the address stated herein and filing the original at the registrar

(b) and within 14 days of the service of notice of your intention to oppose, to file your answering affidavits, if any

and further that you are required to appoint in such notification an address within a flexible radius from the court, referred to in rule 65(5) at which you will accept notice and service of all documents in these proceedings.

If no notice of intention to oppose is given, the application will be moved on the **30th day of September 2022 at 09:00 AM**.

DATED at Windhoek on this **01st day of September 2022**.

F.L
NM
K.S
AT

ANDREAS DIMBA THIMBUNGA
4479
KROONWEG
KHOMASDAL
WINDHOEK
KHOMAS
Namibia LUKAS KAMATI SOSA

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KROON WEG
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WINDHOEK
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Namibia FILLIP LOUIS
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KHOMASDAL
WINDHOEK
KHOMAS
Namibia ANDREAS MUTIGHONA SHIPUTA
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KROON WEG
KHOMASDAL
WINDHOEK
KHOMAS
Namibia

TO:

THE PRESIDENT OF THE REPUBLIC OF NAMIBIA
STATE HOUSE, LAURENT DESIRE KABILA STREET, AUASBLICK, WINDHOEK, KHOMAS,
Namibia

Authorize Code: **mPmG5g**

THE MUNICIPAL COUNCIL OF TSUMEB
264, MOSES GAROEB STREET, TSUMEB, Namibia

Authorize Code: **rwp37S**

THE MINISTER OF JUSTICE
JUSTITIA BUILDING, INDEPENENCE AVENUE, WINDHOEK, KHOMAS, Namibia

Authorize Code: **AZfqjM**

THE MINISTER OF URBAN & RURAL DEVELOPMENT
123 ROBERT MUGABE AVENUE, WINDHOEK, KHOMAS, Namibia

Authorize Code: **Buea2V**

THE MINISTER OF SAFETY & SECURITY

123, ROBERT MUGABE AVENUE, WINDHOEK, KHOMAS, Namibia

Authorize Code: **VLNnvD**

THE MINISTER OF TRADE & INDUSTRY
BRENDAN SIMBWAYE SQUARE, BLOC B, CNR DR KENNETH KAUNDA & GOETHER
STREETS, WINDHOEK, KHOMAS, Namibia

Authorize Code: **4cFxPe**

THE REGISTRAR OF DEEDS
45 ROBERT MUGABE AVENUE, WINDHOEK, KHOMAS, Namibia

Authorize Code: **rvxHCy**

THE INSPECTOR-GENERAL OF THE NAMIBIAN POLICE
C/O JULIUS NYERERE AND JAN JONKER ROAD, WINDHOEK, KHOMAS, Namibia

Authorize Code: **Re4SoK**

THE TLC WORKERS COMMITTEE
4479, KROONWEG, KHOMASDAL, WINDHOEK, KHOMAS, Namibia

Authorize Code: **rpjZ6Q**

GOVERNMENT INSTITUTIONS PENSION FUND
CNR DR KENNETH KAUNDA & GOETHE STREET, WINDHOEK, KHOMAS, Namibia

Authorize Code: **isBbjY**

THE OMBUDSMAN
CNR FELD AND LOSSEN STREET, AUSSPANNPLATZ, WINDHOEK, KHOMAS, Namibia

Authorize Code: **9MWp93**

ENDOBO PROPERTIES CC
ENDOBO, PORTION 64, A PORTION OF PORTION B, OF THE FARM TOWN OF TSUMEB, NO.
103, TSUMEB, Namibia

Authorize Code: **AYPKDi**

HERMANUS CHRISTO GROENEWALD
ENDOBO PROPERTIES CC, PORTION 64, A PORTION OF PORTION B, OF THE FARM TOWN
OF TSUMEB, NO 103, TSUMEB, Namibia

Authorize Code: **jnxT5J**

THE WORKERS ADVICE CENTRE
4479, KROONWEG, KHOMASDAL, Namibia

Authorize Code: **sxZ7xW**

ANTI-CORRUPTION COMMISSION
C/O MONT BLANC & GROOT TIRAS STREET, EROS, WINDHOEK, KHOMAS, Namibia

Authorize Code: **pWse3n**

THE DEPUTY SHERIFF FOR TSUMEB
TSUMEB, DEPUTY SHERIFF, Namibia

Authorize Code: **3bUabu**

TSUMEB CONCERNED GROUP
Authorize Code: **AXTFEe**

AND TO:

Registrar of the High Court
Main Division
Windhoek



Private Bag 13179
Windhoek
Tel: (061) 292 - 1111
Fax: (061) 22 - 1686

01/9/2022

OFFICE OF THE JUDICIARY
REGISTRAR MAIN DIVISION, HIGH COURT OF NAMIBIA

A handwritten signature in black ink, appearing to read "H. Ausas".

Registrar