

SARDA appeals against land claim

The South African Riding for the Disabled Association (SARDA) is to appeal a Land Claims Court decision in the Supreme Court of Appeal (SCA).



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Acting Judge in the Land Claims Court, M J Mpshe, has ruled against granting permission for SARDA to intervene in a legal battle challenging the awarding of Erf 142 in Constantia to the Sadien family in a land claims settlement. Chairperson of SARDA, Belinda Thom, says the non-profit organisation will apply for leave to appeal this decision.

This latest development is part of an ongoing legal tussle in which SARDA Cape Town is fighting for its existence in Constantia and possibly its future.

In March 2013, the Land Claims Court awarded the land on which SARDA Cape Town operates to the Sadien family in a Restitution of Rights court case. SARDA was not forewarned at any stage of the pending change of ownership of their leased land and only became aware of this when a concerned neighbour and a phone call from a newspaper reporter alerted them.

SARDA has operated on Erf 142 for more than 30 years, offering free therapeutic riding lessons to children and adults living with physical and learning disabilities. The more than 180 beneficiaries of this specialised service not only reap the physical and psychological rewards it offers, but the social benefits positively affect their communities over the greater part of Cape Town. In the 43 years of SARDA Cape Town's existence, the organisation's good work has improved the lives of hundreds of riders, their families and the communities they live in. Thirteen special needs schools, from all over the Peninsula, recognise the association's value and apply for their scholars to be included in the therapeutic riding programme every year.

SARDA feels unfairly and unjustly treated by the original and subsequent judgments. As Thom explained at a previous hearing on this matter in 2014, "The land was awarded to the Sadien family on the basis that it was vacant, which it is not, so it should therefore not be awarded as vacant land to a land claimant."

The judge's latest ruling was delivered on 11 September 2015, after he heard the application in the High Court on 19 August 2015, but was only conveyed to the Association's counsel, Michael Wagener from Bowman Gilfillan, in February 2016. SARDA has been given 14 days to apply for leave to appeal this decision.

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