

# Illegal land seller in court

ANNA COX

**A**SOWETO resident, Moses Nkosi, faces 56 counts of fraud and 56 of theft relating to the alleged illegal sale of City of Joburg land.

Nkosi, who is out on bail, sold land in Power Park – next to the Motosoledi informal settlement – to residents who lost thousands of rands in both paying Nkosi R3 500 each in administration fees and in building materials.

At the court hearing in the Protea Magistrate's Court this week, public prosecutor Ndou Rendani said Nkosi, who was a developer since 1994, knowingly sold portions of city land to people who were desperate for houses.

Several witnesses testified that he encouraged them to start building immediately, even though they did not have title deeds.

He sold the stands for between R18 000 and R20 000. He told residents that he would make arrangements for the money to be paid at a later stage.

Even when the council realised what was happening, and issued orders to the "owners" to stop building, Nkosi continued selling stands and encouraging them to continue building. He gave several residents an attorney's letter stating they were authorised to build and told them to present it to the authorities if told to stop building.

Many houses were already at roof height when the city fenced the entire area off and placed security staff there to prevent residents and builders from entering.

Rendani told the court that Nkosi gave people the impression that he worked for the council. He was even seen wearing a name tag bearing its logo.

He told people he had been given permission by a City of Joburg committee to act as an agent, creating the impression that he was authorised to sell the land.

In an apparent bungle by the council, some of the plans were approved, but these were later rescinded due to misrepresentation.

The Johannesburg Property Company, which is owned by the city, said Rendani had already entered into an agreement with a developer for the land and the construction of houses that was putting it into contractual difficulties.

Said Rendani: "The accused was a developer since 1994 and therefore should know the processes. But he deliberately made misrepresentations to the public. He acted recklessly. By continuing to sell the land after the city had issued stop orders, he showed total disregard for the law. He said he was helping the landless, but his intention was to defraud them and deprive them of their money," he said.

Nkosi, as a witness, was "evasive and gave unsatisfactory explanations" for his actions.

He also allegedly sold one stand to two different people.

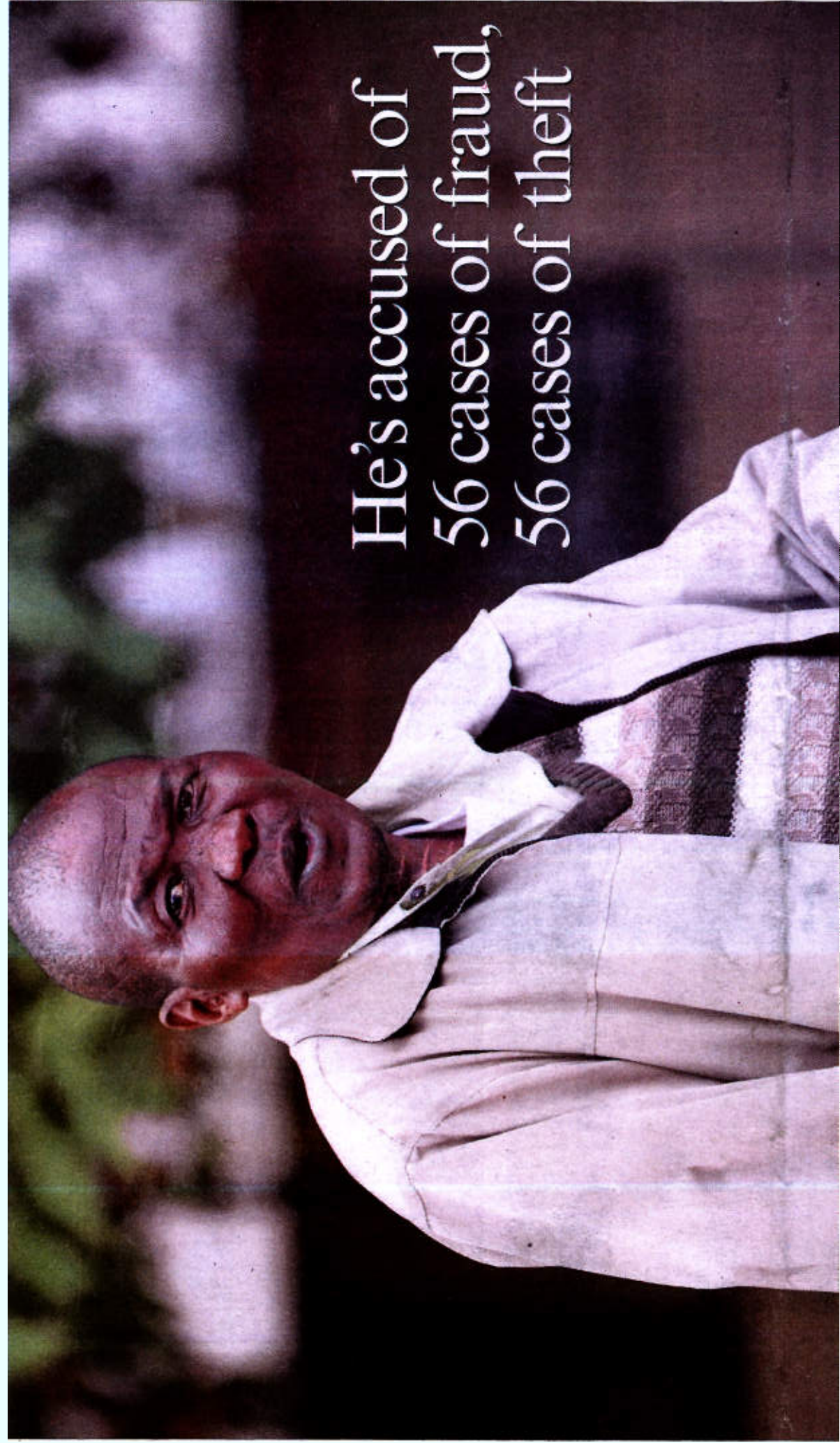
Arguing for the accused, attorney John Ngcebetsha said the R3 500 was simply an administration fee covering the cost of petrol and paperwork, and was not payment for the land.

He said his client had told residents that the land belonged to the City of Joburg and that therefore they were responsible and should be charged.

He argued that Nkosi did not receive any money for the actual land. He also argued that the evidence of the 56 complainants was not corroborated by secondary evidence.

The applicants understood that the land belonged to the council and they should therefore be charged.

"Nkosi believed the was honestly assisting people. Why punish a non-legal person? He was merely a facilitator. He is an ordinary person, not a lawyer. He submitted the



## He's accused of 56 cases of fraud, 56 cases of theft

**ON BAIL:** Moses Nkosi leaves the Protea Magistrate's Court in Soweto. He is accused of illegally selling land that belongs to the City of Joburg.

PICTURE: DUMISANI SIBEKO

the city. We are not asking for a handout. We were all prepared to pay for the land, for the construction of the houses and for all services rendered by the city," he said.

Mpho Modipa of the Power Park Extensions 1 and 2 Residents' Association earlier told The Star that residents wanted to purchase and develop the land into decent housing.

"We paid and were allocated stands, and many of us started building with approved plans by

"They not only have vandalised my house, but took our blankets and sheets. They did not give us a chance to take anything out," she said.

JPC spokesman Brian Mahlangu said they could not comment until the outcome of the criminal case. "In the meantime we are engaging with the residents and trying to find ways of helping them to find alternative accommodation," he said.

Grace Tanda said she had spent R112 000 on her new house.