CASE NO.: (P) A. 147/2000

IN THE HIGH COURT OF NAMIBIA

in the matter between:

ALLAN CILLIERS	**Applicant**
and	
THE GOVERNMENT OF NAMIBIA	**First Respondent**
MINISTER OF ENVIRONMENT AND TOURISM	**Second Respondent**
THE DIRECTOR OF RESOURCES AND MANAGEMENT OF THE MINISTER OF ENVIRONMENT AND TOURISM	**Third Respondent**
THE PERMANENT SECRETARY OF THE MINISTER OF ENVIRONMENT AND TOURISM	**Fourth Respondent**
KENNETH MORRIS	**Fifth Respondent**
BYSEEWAH HUNTING SAFARIS (PTY) LTD	**Sixth Respondent**

CORAM: **MARITZ, J.**

Heard on: 2000/06/06

Judgement on: 2009/04/21

JUDGMENT

MARITZ, J.: [1] The applicant applied for an order declaring that the agreement to grant a hunting concession in the Mamili National Park to the fifth respondent was

"in contravention of the fundamental rights and freedoms set out in Chapter III of the Constitution and, on such declaration, to set aside the agreement" and for further alternative relief.

[2] Except for the applicant's replying affidavit (which added nothing of substance to the issues which had to be decided) all the affidavits in this application have been incorporated by reference as part of the affidavits filed in case No. (P) A 141/200: an application brought by one A.F. Uffindel against essentially the same respondents and the Minister of Finance. The facts in the two applications are essentially the same. The applicant is similarly situated as Mr Uffindell, the applicant in that application: both are registered trophy hunters who previously held trophy hunting concessions on State land but were unsuccessful in winning a further one at an auction held on 9 March 2000. The constitutional and other grounds on which the applicant sought to challenge the validity of the grant are subsumed within the wider attack in the Uffindell-application – so too, is the relief: In addition to the declarator, Uffindell also sought (and obtained) a rule *nisi* for a declarator and an interim interdict. In short, all the facts, issues and relief prayed for in this application are either substantially the same or narrower in scope as those which were raised and had to be decided in the Uffindel-application.

[3] The Uffindel-application was, in effect, dismissed on its return day (5 March 2001) when the Court made an *ex tempore* order discharging the rule nisi; refused the application for interdictory relief and ordered the applicant to pay the respondents' costs. Regrettably, the reasons for that order have only now been given.

[4] Given the similarity of the two applications and the identity of their causes, the outcome of this application must by necessity – and for the same reasons - follow the one in the Uffindel-case.

[5] For those reasons, which by reference I incorporate *mutatis mutandis* herein, the following order is made:

The application is dismissed with costs.