IN THE HIGH COURT OF SOUTH AFRICA

(NORTH WEST DIVISION, MAHIKENG)

RECORDS OFFICE
NORTH WEST HIGH COURT
PRIVATE BAG X2010 MMABATHO 2735
2022 -05- 12
COUNTER NO.7
REPUBLIC OF SOUTH AFRICA

CASE NO.: M311/2021

In the application between:

SAKELIGA NPC Applicant

and

THE MEMBER OF THE EXECUTIVE COUNCIL: NORTH WEST PROVINCE: COOPERATIVE GOVERNANCE, HUMAN SETTLEMENT AND TRADITIONAL AFFAIRS 1st Respondent

THE MEMBER OF THE EXECUTIVE COUNCIL: NORTH WEST PROVINCE: FINANCE 2nd Respondent

THE MINISTER: NATIONAL DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS 3rd Respondent

THE MINISTER OF FINANCE 4th Respondent

DITSOBOTLA LOCAL MUNICIPALITY 5th Respondent

NALEDI LOCAL MUNICIPALITY 6th Respondent

THE PREMIER: NORTH WEST PROVINCE 7th Respondent

ESKOM SOC LIMITED 8th Respondent

MAGALIES WATER BOARD 9th Respondent

SEDIBENG WATER BOARD 10th Respondent

DOCUMENTS FILED BY:
GEYER LABUSCHAGNE
Tel: 018 381 6828
Cell: 083 256 6313

LEFAPHA LA PROKURASI
DEPARTEMENT VAN JUSTISIE
DEPARTMENT OF JUSTICE
KGETSANAPOSO / P. BAG / P. SAK X51,
MMABATHO, 2745
2022 -05- 12
REPUBLIC OF SOUTH AFRICA
MMUELELI LA RUSO / STATE ATTORNEY
STAATSPROKUREUR

ID: 33

AND TO: **THE STATE ATTORNEY, PRETORIA**
4th Respondents' Attorneys
40 Church Square
2nd Floor, Old Reserve Bank Building
Pretoria CBD
Email: zzenani@justice.gov.za
c/o THE STATE ATTORNEY, MMABATHO
Email: NMekgwe@justice.gov.za

ELECTRONIC SERVICE VIA EMAIL
IN TERMS OF RULE 4A(1)(c)

AND TO: **TIRO ATTORNEYS**
5th Respondents' Attorneys
43 Shippard Street
Office no. 06. Shasons Center
Tel: 018 381 0119
Fax: 086 460 7839
Ref: Mr Molefe/D0012
Email: mmolefe94@gmail.com

Received 12/05/22
TIRO ATTORNEYS INC
43 SHIPPARD STREET
OFFICE NO. 06
SHASONS CENTRE
MAHIKENG, 2745
TEL: 018 381 0119 / FAX: 086 460 7893
09:38

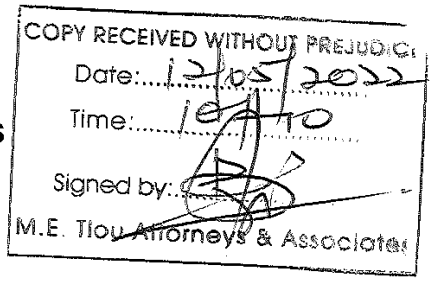
ELECTRONIC SERVICE VIA EMAIL
IN TERMS OF RULE 4A(1)(c)

AND TO: **MODIBOA ATTORNEYS INC.**
6th Respondents' Attorneys
No. 107 Readman Street
Wilkoppies, Klerksdorp
Tel.: 018 468 1970 / 1725
Fax: 018 468 1531 / 086 228 0747
Email: info@modiboaattorneys.co.za
Ref.: Mr L Modiboa/00519/nlm/CIV
c/o MOTSHABI & ASSOCIATES
12 Havenga Street
Golf View, Mahikeng
Tel.: 018 381 8187 / 8909
Fax: 018 381 8131
Ref.: Mr P Molelekeng/T01378/CIV

MOTSHABI & ASSOCIATES
INCORPORATED
12 Havenga Street, Golf View
Mahikeng, 2745
Tell: (018) 381 8187 / (018) 381 8909
Fax: (018) 381 8131
Email: pvmotshabi@gmail.com
09:56 12/05/2022

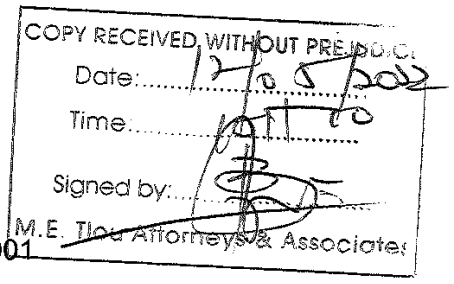
ELECTRONIC SERVICE VIA EMAIL
IN TERMS OF RULE 4A(1)(c)

AND TO: **MKHABELA HUNTLEY ATTORNEYS INC.**
8th Respondents' Attorneys
Block C
7 Eton Road
Tel.: 011 783 8020
Email: wendel@mhalaw.co.za



Ref.: ESK3/0008/W Bloem
c/o ME TLOU ASSOCIATES ATTORNEYS
43 Corner Baden Powell & Visser Streets
Golfview, Mahikeng
Tel.: 018 011 0036
Email: naledi@tlouattorneys.co.za

ELECTRONIC SERVICE VIA EMAIL
IN TERMS OF RULE 4A(1)(c)



AND TO: **MAENETJA ATTORNEYS**
8th Respondents' Attorneys
65 & 74 Rigel Avenue North
Waterkloof, Pretoria
Tel: 012 327 4480
Cell: 071 418 0396
Ref.: Mr Walter Mashapa/TJM/ESKOM/001
Email: walter@maenetjaattorneys.co.za
c/o ME TLOU ASSOCIATES ATTORNEYS
43 Corner Baden Powell & Visser Streets
Golfview, Mahikeng
Tel.: 018 011 0036
Email: naledi@tlouattorneys.co.za

ELECTRONIC SERVICE VIA EMAIL
IN TERMS OF RULE 4A(1)(c)

IN THE HIGH COURT OF SOUTH AFRICA

(NORTHWEST DIVISION, MAHIKENG)

CASE NO.: M311/2021

In the matter between:

SAKELIGA NPC	Applicant
and	
THE MEMBER OF THE EXECUTIVE COUNCIL: NORTH WEST PROVINCE: COOPERATIVE GOVERNANCE, HUMAN SETTLEMENT AND TRADITIONAL AFFAIRS	1st Respondent
THE MEMBER OF THE EXECUTIVE COUNCIL: NORTH WEST PROVINCE: FINANCE	2nd Respondent
THE MINISTER: NATIONAL DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS	3rd Respondent
THE MINISTER OF FINANCE	4th Respondent
DITSOBOTLA LOCAL MUNICIPALITY	5th Respondent
NALEDI LOCAL MUNICIPALITY	6th Respondent
THE PREMIER: NORTHWEST PROVINCE	7th Respondent
ESKOM SOC LIMITED	8th Respondent
MAGALIES WATER BOARD	9th Respondent
SEDIBENG WATER BOARD	10th Respondent

APPLICANT'S PRELIMINARY REPLYING AFFIDAVIT IN RESPECT OF THE FIRST, SECOND, THIRD AND SEVENTH RESPONDENTS' ANSWERING AFFIDAVIT

I, the undersigned,

PIETER JACOBUS LE ROUX

do hereby make oath and state the following:

1. I am an adult male and I am the chief executive officer of Sakeliga NPC, which has its offices at Building A, 5th Floor, Loftus Park, 402 Kirkness Street, Arcadia, Pretoria, Gauteng Province.

2. As set out in the founding affidavit, the applicant has resolved to bring and prosecute this application and I have the required authority to instruct the applicant's attorneys to do so.

3. The facts set out in this affidavit fall within my personal knowledge, unless the contrary appears from the context hereof, and are both true and correct.

4. Should I make legal submissions in this affidavit, I do so on the advice of the applicant's legal team.

5. This being the replying affidavit I do not deal with each of the averments set out in the answering affidavit of the first to third and seventh respondents. My failure to do so cannot be construed as an admission of anything that has been set out in the answering affidavit of the said respondents.

6. I shall, in this affidavit, refer to the first, second, third and seventh respondents collectively as "the respondents". Where I deal with issues raised by an individual respondent, I will refer to that specific respondent.

7. This court will note that most of the answer that was delivered by the respondents consists of legal argument. I shall refrain from dealing extensively with the technical issues raised by the respondents. I have been advised that this shall form part and parcel of the written argument which shall be submitted on behalf of the applicant as well as oral argument in court.

8. I deem it apposite to commence with the following preliminary remarks. They pertain to procedural issues. Shortly after receipt of the respondents' answer, the applicant delivered a notice in terms of Rule 35(12) wherein the applicant sought access to documents referred to in the affidavit and annexures to the affidavit of the respondents. The Court will find this request on pages 661 to 664 of the paginated papers. This request was ignored, and, on 4 October 2021, the applicant delivered a notice in terms of Rule 30A which this Court will find on pages 1420 to 1444.

9. The notice in terms of Rule 30A was also ignored and the applicant then launched an application to compel the respondents to deliver the documents as set out in the Rule 35(12) notice. This court then granted an order compelling the respondents to do so. A copy of that order is attached hereto and marked **Annexure "RP1"**. The order was granted on 9 December 2021.

10. The order was formally served upon the respondents on 31 January 2022. The filing notice in this respect is filed at pages 2168 to 2171. It was also served via electronic mail upon the respondents. The Honourable Court will find proof thereof on page 2167.

11. The court order was also ignored and, to avoid an application to strike the defence of the respondents, the applicant caused to deliver another notice in terms of Uniform Rule 30A on 14 February 2022 which this Honourable Court will find on pages 2148 up to 2151.

12. During this process, and on 10 February 2022, the office of the State Attorney – Mmabatho wrote an email to the applicant's attorney of record wherein the following is stated, and I quote:

> *"We confirm that we are in possession of certain documents as requested thereto in terms of Rule 35(12).*
>
> *Our client more specifically MEC: Cooperative Governance and Traditional Affairs has submitted a memorandum to secure outstanding documents.*
>
> *We therefore request as we hereby do that you grant us an indulgence to consolidate all the required document and send same to you not later than the 18th February 2022."*

13. The exchange of email correspondence is attached hereto and marked **Annexure "RP2"**.

14. Until today the promised documents have not been delivered. The applicant wishes to prosecute its application and cannot wait anymore for the respondents to comply with an order of this Court. It is submitted that the respondents are in fact in contempt of an order of this Court. The applicant has therefore decided to deliver this replying affidavit *ex abudante cautela* and, to the extent that it may be required, simultaneously launch an interlocutory application to strike the defense of the mentioned respondents.

15. The applicant, however, wishes to obtain a date on this Court's opposed motion roll and to do so, must deliver now its replying affidavit. Should the respondents, in the meantime comply with this Court's order, the applicant reserves its right to then file a supplementary affidavit, if required and so advised. I understand that interlocutory application for the striking of the defense will in all probability precede the hearing of the main application herein, but this replying affidavit is filed to ensure that the matter can now be enrolled on this court's opposed motion court roll.

16. It is in any event so that to the extent that the Rule 35(12) documents have not been produced, reliance on averments and/or documents that refer to non-discovered documents is incompetent. Legal argument in this respect shall be addressed to this court at the hearing of this application.

17. The second issue is this. The respondents have, concededly so, decided not to deal with any of the factual averments made by the applicant in its founding

affidavit. The respondents adopt the attitude that they do not have to do so, because they believe that their preliminary technical legal points raised will be dispositive of the whole case, alternatively will lead to a postponement of this case.

18. The respondents must bear in mind that the applicant filed a notice of intention to amend its relief on 17 February 2022 (pages 2178 – 2187) and has effected the amendment on 7 March 2022. The amendment *inter alia* addresses most of the issues raised by the respondents. Whereas previously, I concede erroneously so, no direct relief was sought against the seventh respondent, this issue has now been addressed in the amended notice of motion, in that the applicant seeks relief against the seventh respondent in his capacity as the head of the Executive Council of the North-West Province.

19. The contention of the respondents, correctly made, is that it is the provincial executive that must take steps to intervene as envisaged in Section 139(1) of the MFMA once a mandatory intervention is required. Section 132(1) of the Constitution of the Republic of South Africa, 1996 (herein "the Constitution") and reads as follows:

> "*(1) The Executive Council of a province consists of the Premier, as head of the Council, and no fewer than five and no more than ten members appointed by the Premier from among the members of the provincial legislature.*"

20. Section 132(2) of the Constitution then provides that the Premier assigns powers and functions to each of these MEC's and may also dismiss them. It will therefore be submitted at the hearing of this application that, since the head of the provincial executive, namely the Premier, the seventh respondent, has been properly joined to this application and that relief is now sought against him in his representative capacity as the head of the executive, the misjoinder point, earlier raised, has been resolved.

21. It is furthermore also so that the first respondent is the member of the executive council that is primarily tasked with issues that relate to local government affairs and plays a vital role in the so-called intervention process. In this respect, this court shall *inter alia* be referred to Section 136(1) of the Local Government: Municipal Finance Management Act, No. 56 of 2003 (hereinafter referred to as "the MFMA"), which sets out the crucial role that the first respondent must play in the process of interventions. This has been neglected, based on the facts set out in the founding affidavit.

22. What is, however, somewhat disconcerting is this. The crucial issue in this case is not whether the application ought to be dismissed on all sorts of legal technical defenses, but to find a just and equitable remedy or solution that may resolve the persistent crisis that exists in the two mentioned municipalities within the North-West Province. Instead of dealing with the fact that a grave injustice continues unabated and is being perpetrated upon the communities that reside within and do business in the municipal jurisdictions of the fifth and sixth respondents, the respondents found it proper to constrain themselves to deal with this matter on a technical basis.

23. This court will find not one single fact setting out what any of the first to third or seventh respondents have done since they became aware of this application. There is a deafening silence in their answer about what they intend to do to resolve the crisis. There is not one single acknowledgement in their answer that they are aware of the ongoing crisis or that it is of such a nature that it warrants a mandatory intervention. Such ignorance demonstrates that it in fact justified the applicant to have approached this court to seek the assistance of this court to get the respondents to do their jobs. Without the assistance of this Court nothing will happen.

24. The ignorance that is being portrayed in an affidavit that filled with legal issues without dealing with the true constitutional crisis that exists, is in itself inconsistent with the provisions of the Constitution. It is, instead, disrespectful towards the communities that live and trade within the area of jurisdiction of the fifth and sixth respondents.

25. Having said this, I deal, to the extent required, with the answering affidavit deposed to by Phihadu Ephraim Motoko (herein "the deponent").

26. AD PARAGRAPH 2 THEREOF

I dispute that all the averments made in the answering affidavit are correct.

27. AD PARAGRAPH 5 THEREOF

The respondents are referred to the amendment that has been delivered, which they did not oppose. The amendment has therefore been effected. This entails that the applicant now does seek relief against the seventh respondent, in his capacity as the head of the executive council.

28. AD PARAGRAPH 8 THEREOF

The applicant does not oppose the request for condonation of the late filing of the answering affidavit.

29. AD PARAGRAPHS 9 and 10 THEREOF

Bearing in mind that the notice of motion has been amended, I dispute the contentions set out in these paragraphs.

30. AD PARAGRAPH 20 THEREOF

30.1. Although the applicant is not opposed to this court condoning the late filing of the answering affidavit, it is important that cognisance is given to what the respondents say in their affidavit.

30.2. The respondents concede that they prepared a substantive draft affidavit that would deal with the merits of the application brought by the applicant. As indicated hereinabove, that would have been the proper thing to do, because the respondents ought to play a responsible oversight role insofar as it relates to the affairs of the fifth and sixth respondents. This is

especially so when they have been directly alerted by the applicant (of they should have been aware) that the fifth and sixth respondents are incapable to comply with their constitutional mandate or duties.

30.3. Yet, it is conceded that, instead of doing the right thing, the respondents decided to discard their roles as organs of state and only raise legal contentions disregarding the constitutional crisis that has in fact been demonstrated by facts set out in the founding affidavit filed by the applicant and the affidavit filed by the applicant in response to the Naledi Local Municipality's answer.

30.4. It is therefore disputed that the failure to file a proper affidavit was "a blessing in disguise". Nothing prevented the respondents to raise issues in *limine* and then deal with the merits and more particularly to tell this court what the respondents believe their roles are in resolving the affairs of the fifth and sixth respondents. It is incumbent upon them to do so. They do not have the luxury of an armchair approach.

31. AD PARAGRAPH 25 THEREOF

The concession that the first and second respondents are members of the executive council is noted. These two respondents play a pivotal role in the process of an intervention. Legal argument will be presented to this court at the hearing of this application.

32. AD THE REMAINDER OF PARAGRAPHS 20 to 47 THEREOF

I reiterate that the applicant has amended its notice of motion and that the relief is now mainly directed at the seventh respondent, in his capacity as the head of the executive council. The remainder shall be addressed during argument.

33. AD PARAGRAPHS 48 to 55 THEREOF

33.1. I am advised that the non-joinder issue is resolved, in that the head of the executive council, being the seventh respondent, has duly been cited and is before court and, in addition, an amendment has now been introduced that seeks direct relief against the seventh respondent in that capacity.

33.2. As such, the executive council is proper before court. Full legal argument in this respect shall be addressed to this court at the hearing of this application.

34. AD PARAGRAPH 66 THEREOF

Relief is now sought against the seventh respondent, in his capacity as the head of the provincial council.

35. AD PARAGRAPH 69 THEREOF

35.1. The content of this paragraph constitutes a vague, embarrassing and a generalized sweeping statement. The respondents are required to provide particular facts. These facts fall directly within the knowledge of the first

respondent, the third respondent and the seventh respondent. The deponent to the answering affidavit, in his capacity as the head of the Department of Cooperative Governance and Traditional Affairs in the North-West Province, should also be fully appraised of the relevant facts.

35.2. What is important though is that the case that has been made out by the applicant is that mandatory interventions are justified and required. The sweeping notion that, in respect of some municipalities, there was a Section 139(1)(b) intervention, does not assist in this specific case.

36. AD PARAGRAPH 79 THEREOF

The concession that the first to third respondents play an oversight role is noted. It seems that the first to third respondents are incapable to tell this court how they executed this "oversight role" and what did they do when they realized that there is a collapse of governance within the fifth and sixth respondents-municipalities and a persistent financial crisis. I reiterate that to take the armchair approach in these circumstances is not good enough.

37. AD PARAGRAPH 81 THEREOF

37.1. The somewhat ignorant remark of the deponent that he does not deem it necessary to attach copies of the reports, referred to in his affidavit, to the answer, because of his perceived view that the applicant considers them to be meaningless, is disrespectful. Without providing copies of these

documents, the applicant cannot deal with the averment made and it will be argued this paragraph ought to be disregarded.

37.2. In this respect, I also reiterate the following proposition. On would have expected the deponent to the answering affidavit who refers to reports, to have them at hand and to have read and considered the reports before making averments under oath in respect of such reports. If one however considers the response of the state attorney of 10 February 2022, already attached hereto, and marked Annexure "RP2", it seems that these documents were never in the possession of the deponent when he deposed to the affidavit. They still must be collected.

38. <u>AD PARAGRAPHS 88 to 95 THEREOF</u>

38.1. In these paragraphs the applicant extensively refers to written documents and this court has compelled the respondents to provide the documents. They have not been provided.

38.2. As such, it is impossible to sensibly deal with the content of these paragraphs, which are not corroborated by anything.

38.3. The main issue remains this. An intervention in terms of Section 139(1)(b) is ineffective. There have been many such interventions in the two municipalities, and they proved to be fruitless.

38.4. It is therefore that the applicant requests this court to direct the seventh respondent, as representative of the executive council, to ensure that there will be mandatory interventions.

39. AD PARAGRAPH 98 THEREOF

It is not the applicant's case that Advoca Auditors is the only party that would be competent to be appointed as the special master. The applicant, however, has not received any other propositions.

CONCLUSION

40. In the premises, the applicant persists with the relief that the applicant seeks in the amended notice of motion.

PIETER JACOBUS LE ROUX

I HEREBY CERTIFY THAT THE DEPONENT HAS ACKNOWLEDGED:

(a) he knows and understands the contents of this affidavit.

(b) he has no objection to taking an oath.

(c) he considers the oath to be binding on his conscience.

THUS signed and sworn before me, at Pretoria on this the 6th day **MAY 2022**, the Regulations contained in Government Notice No. R1648 of 19 August 1977 (as amended) having been fully complied with.

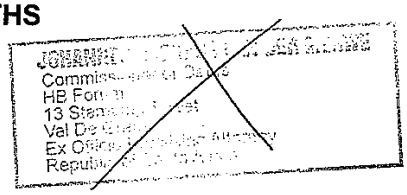
COMMISSIONER OF OATHS

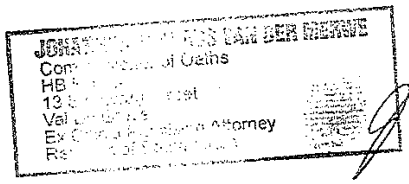
FULL NAMES:

BUSINESS ADDRESS:

DESIGNATION:

AREA / OFFICE:





RP1

IN THE HIGH COURT OF SOUTH AFRICA
(NORTH WEST DIVISION, MAHIKENG)

CASE NO: M311/2021

Held at MMABATHO on this the 09th day of DECEMBER 2021
BEFORE the Honourable Mr Justice HENDRICKS DJP

HIGH COURT OF SOUTH AFRICA
Private Bag X2919, Mmabatho 2735
2021 -12- 21
NWD-NW-001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA

In the matter between:

SAKELIGA NPC — Applicant

and

THE MEMBER OF THE EXECUTIVE COUNCIL:
NORTH WEST PROVINCE: COOPERATIVE GOVERNANCE HUMAN SETTLEMENT AND TRADITIONAL AFFAIRS — 1st Respondent

THE MEMBER OF THE EXECUTIVE COUNCIL:
NORTH WEST PROVINCE: FINANCE — 2nd Respondent

THE MINISTER: NATIONAL DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS — 3rd Respondent

THE PREMIER: NORTH WEST PROVINCE — 4th Respondent

In re:

SAKELIGA NPC — Applicant

and

THE MEMBER OF THE EXECUTIVE COUNCIL:
NORTH WEST PROVINCE: COOPERATIVE GOVERNANCE,
HUMAN SETTLEMENT AND TRADITIONAL AFFAIRS — 1st Respondent

THE MEMBER OF THE EXECUTIVE COUNCIL:
NORTH WEST PROVINCE: FINANCE — 2nd Respondent

THE MINISTER: NATIONAL DEPARTMENT OF COOPERATIVE
GOVERNANCE AND TRADITIONAL AFFAIRS — 3rd Respondent

THE MINISTER OF FINANCE — 4th Respondent

DITSOBOTLA LOCAL MUNICIPALITY — 5th Respondent

NALEDI LOCAL MUNICIPALITY — 6th Respondent

THE PREMIER: NORTH WEST PROVINCE — 7th Respondent

ESKOM SOC LIMITED — 8th Respondent

MAGALIES WATER BOARD — 9th Respondent

SEDIBENG WATER BOARD — 10th Respondent

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
Private Bag X2010, Mmabatho 2735
2021 -12- 21
NWD-NW-001

HAVING HEARD ADV B RILEY on behalf of the Applicant and having read the Notice of Motion and other documents filed of record;

IT IS ORDERED

1. THAT: The 1st - 4th Respondents in this interlocutory application (also being the 1st - 3rd and 7th Respondents in the main application), be ordered to deliver to the Applicant's attorneys all of the documents requested in the Applicant's notice in terms of rule 35(12) as served on 31st of AUGUST 2021, set out in annexure AA hereto, and permit the applicant to make copies thereof.

2. THAT: The Respondents be ordered to comply with paragraph (1) above within 10 (ten) days from date that the court order is delivered to the Respondent's attorneys of record.

3. THAT: The Respondents be ordered to pay the costs of this application.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
NORTH WEST DIVISION,
MAHIKENG

Private Bag X2010, Mmabatho 2735

2021 -12- 21

NWD-NW-001

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
NORTH WEST DIVISION,
MAHIKENG

BY THE COURT

REGISTRAR OF HIGH COURT
NORTH WEST HIGH COURT
MAHIKENG

REGISTRAR

S S Inc

Elbie Swanepoel RP2

From: Moholo Musa <MuMoholo@justice.gov.za>
Sent: 10 February 2022 17:45
To: mellisa@kriekprok.co.za; Peter Wassenaar
Cc: Gopane Rebecca
Subject: RE: Sakeliga NPC / MEC for Cooperative Governance and Traditional Affairs & Other

From: Moholo Musa
Sent: Thursday, 10 February 2022 17:01
To: 'mellisa@kriekprok.co.za' <mellisa@kriekprok.co.za>; 'peter@kriekprok.co.za' <peter@kriekprok.co.za>
Cc: Gopane Rebecca <RGopane@justice.gov.za>
Subject: RE: Sakeliga NPC / MEC for Cooperative Governance and Traditional Affairs & Other

The above matter and more specifically you email of the 31st instant refers.

We confirm that we are in possession of certain documents as requested thereto in terms of Rule 35(12).

Our client more specifically MEC: Cooperative governance and Traditional Affairs has submitted a memorandum to secure outstanding documents.

We therefore request as we hereby do that you grant us an indulgence to consolidate all the required document and send same to you not later than the 18th February 2022.

Kindly acknowledge receipt.

Kindly revert to us.

Best Regards
Mr. M Moholo
Office of The State Attorney -Mmabatho
1st Floor, Mega City Complex
Cell: 073 263 2315
Tel: 018 384 0269
Fax: 018 384 0363
MuMoholo@justice.gov.za
the doj & cd
Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA

From: Mekgwe Nthabiseng
Sent: Monday, 31 January 2022 14:48
To: Moholo Musa <MuMoholo@justice.gov.za>; Mercedes Mokadikoa <mokadikoa@gmail.com>; Isaac Monnahela <isaacmonnahela@ymail.com>; Mmasechaba Morudu <morudum1@gmail.com>
Subject: FW: Sakeliga NPC / MEC for Cooperative Governance and Traditional Affairs & Other
Importance: High

FYA

From: Melissa Jansen van Vuuren [mailto:melissa@kriekprok.co.za]
Sent: Monday, 31 January 2022 06:54
To: Mekgwe Nthabiseng <NMekgwe@justice.gov.za>; Mekgwe Nthabiseng <NMekgwe@justice.gov.za>; Mekgwe Nthabiseng <NMekgwe@justice.gov.za>; Zenani Zingisa <ZZenani@justice.gov.za>; Mekgwe Nthabiseng <NMekgwe@justice.gov.za>; Mekgwe Nthabiseng <NMekgwe@justice.gov.za>
Cc: NJ Nel <nj@kriekprok.co.za>
Subject: Sakeliga NPC / MEC for Cooperative Governance and Traditional Affairs & Other
Importance: High

Good day

I refer to the above matter as well as to the court order served to your offices per filing notice by e-mail on Friday, 28 January 2022.

For sake of convenience, I again attach the filing notice and the court order for your attention.

In terms of the court order the 1st to 4th respondents in the interlocutory application (being the 1st -3rd and 7th respondents in the main application) are:

1. Ordered to deliver to the applicant's attorneys all the documents requested in the applicant's notice in terms of rule 35(12) as served on 31 August 2021 and permit the applicant to make copies thereof.

2. Ordered to comply with the court order within 10 days from the date that the court order is delivered to the respondent's attorneys of record.

3. The respondent is ordered to pay the costs of this application.

Your offices are therefore ordered to comply with the above court order on or before **11 February 2022**.

Kindly acknowledge receipt of same in writing.

Yours faithfully,

Melissa Jansen van Vuuren

Kriek Wassenaar & Venter Ing

Kandidaatprokureur / Candidate Attorney

• (t) (+27) 12 803 4719 • (f) (+27) 86 596 8797

• (a) 3de Vloer / 3rd Floor, HB Forum Gebou / Buidling, Stamvrugstraat 13 Stamvrug Street, Val de Grace, Pretoria, 0184

• (p) Postnet Suite # A7, Privaatsak / Private Bag X592, Silverton, 0127 • BTW Reg: 4020260685 • Reg: 2012/030418/21



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