IN THE HIGH COURT OF SOUTH AFRICA

(NORTH WEST DIVISION, MAHIKENG)

Case no: UM192/22

In the matter between:

SAKELIGA NPC	**First applicant**
CENTRE FOR GOOD GOVERNANCE AND SOCIAL JUSTICE NPC	**Second applicant**
BAREND LOURENS SNYMAN	**Third applicant**

and

DITSOBOTLA LOCAL MUNICIPALITY	**First respondent**
THE MUNICIPAL MANAGER / ACTING MUNICIPAL MANAGER OF THE DITSOBOTLA LOCAL MUNICIPALITY	**Second respondent**
PREMIER OF THE NORTH WEST PROVINCE	**Third respondent**
AND ELEVEN OTHER RESPONDENTS (AS PER NOTICE OF MOTION)	**Fourth – Fourteenth respondents**

FILING NOTICE

DOCUMENT TO BE FILED:

- **APPLICANTS' PRACTICE NOTE DATED 28 NOVEMBER 2022**

FILED BY: **KRIEK WASSENAAR & VENTER INC. ATTORNEYS**

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Ref: Mr Labuschagne/GW1763

TO: **THE REGISTRAR OF THE HIGH COURT**

MAHIKENG

AND TO: **TIRO & ASSOCIATES ATTORNEYS**

ATTORNEYS FOR THE 1ST RESPONDENT

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Service by email

AND TO: **THE STATE ATTORNEY- MMABATHO**

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Service by email

AND TO: **THE STATE ATTORNEY- PRETORIA**
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C/O STATE ATTORNEY – MMABATHO
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Service by email

AND TO: **MOLEFE ATTORNEYS**
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AND TO: **MAENETJA ATTORNEYS**
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AND TO: **MOTSHABI AND ASSOCIATES INC**
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(T) 018 381 8187
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Service by email

IN THE HIGH COURT OF SOUTH AFRICA

(NORTH WEST DIVISION, MAHIKENG)

Case no: UM192/22

In the matter between:

SAKELIGA NPC **First applicant**

CENTRE FOR GOOD GOVERNANCE
AND SOCIAL JUSTICE NPC **Second applicant**

BAREND LOURENS SNYMAN **Third applicant**

and

DITSOBOTLA LOCAL MUNICIPALITY **First respondent**

THE MUNICIPAL MANAGER / ACTING MUNICIPAL MANAGER
OF THE DITSOBOTLA LOCAL MUNICIPALITY **Second respondent**

PREMIER OF THE NORTH WEST PROVINCE **Third respondent**

PROVINCIAL EXECUTIVE OF THE
NORTH WEST PROVINCE **Fourth respondent**
MEMBER OF THE EXECUTIVE COUNCIL:
NORTH WEST PROVINCE: COOPERATIVE GOVERNANCE,
HUMAN SETTLEMENTS AND TRADITIONAL AFFAIRS **Fifth respondent**

MEMBER OF THE EXECUTIVE COUNCIL:
NORTH WEST PROVINCE: FINANCE **Sixth respondent**

PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA **Seventh respondent**

MINISTER: NATIONAL DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS	**Eighth respondent**
MINISTER: NATIONAL DEPARTMENT OF FINANCE	**Ninth respondent**
MINISTER: WATER AND SANITATION	**Tenth respondent**
NGAKA MODIRI MOLEMA DISTRICT MUNICIPALITY	**Eleventh respondent**
ESKOM SOC LTD	**Twelfth respondent**
MAGALIES WATER BOARD	**Thirteenth respondent**
THE ADMINISTRATOR: DITSOBOTLA LOCAL MUNICIPALITY	**Fourteenth respondent**

APPLICANTS' PRACTICE NOTE

1	Judicial case management date:	Not yet allocated
2	Urgent Hearing date:	Not yet allocated
3	Previous urgent hearing date:	18 November 2022
4	Counsel for Applicants:	**Advocate C Woodrow SC** Pretoria Cell: 082 921 9191 Email: woodrow@advchambers.co.za

5 Attorneys for Applicant:

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6 Attorneys for the Respondents:

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Ref: PV MOTSHABI/S01698/CIV

7 Nature of the application:

7.1 The applicants seek various relief against the provincial and national organs of state in response to the municipal crises in Ditsobotla Local Municipality (the 1st respondent). The applicants seek relief in terms of both the Constitution and the Local Government: Municipal Finance Management Act.

7.2 The applicants refer the Court to the notice of motion included in the prepared court bundle, as well as the applicants' letter addressed to the Judge President dated 23 November 2022.

8 Issues to be determined:

8.1 The application was enrolled for an urgent hearing in respect of Part A of the notice of motion for 13 October 2022. An order was granted by the honourable Acting Judge Mahlangu. The administrator of the 1st respondent (being the 14th respondent) was ordered to see to the immediate return of water services to the communities residing in the municipal area of the 1st respondent. The applicants were also granted certain observation rights in respect of the recovery.

8.2 Water supply to the municipality has not been fully restored and the applicants seek further relief in regards to Part A of their application and also in terms of the order of 13 October 2022. The matter remains urgent.

8.3 Part B of the notice of motion was also enrolled for an urgent hearing on 10 November 2022 before the honourable Acting Judge Malowa. However, the application was postponed to 18 November 2022 due to *inter alia* loadshedding at court.

8.4 On 18 November 2022 the matter was again before the honourable Acting Judge Malowa, who ordered that the application be “remitted” to Acting Judge Mahlangu, resulting in the postponement of the matter.

8.5 On 23 November 2022 the applicants directed a letter to the Honourable Judge President in which the applicants requested a directive in regards to the remittance of the matter to Acting Judge Mahlangu, alternatively a directive in respect of the allocation of a hearing date in respect of both Parts A and B of the applicants application.

8.6 The applicants persist that both Parts A and B of the application remain to be urgent.

9 Relief sought:

9.1 A direction from the office of the Judge President in order for the parties to comply with the order of the honourable Acting Judge Malowa to remit the matter to the honourable Acting Judge Mahlangu, alternatively that a direction be given in respect of the enrolment of the urgent application before another judge in the Division.

10 Summary of applicants' submissions:

10.1 The applicants persist that both Parts A and B of the application require an urgent hearing.

10.2 The application relates to matters that are in the public interest. The matter also engages Constitutional issues affecting the dignity and quality of life of the residents residing in the 1st respondent and also the ability of the 1st respondent to comply with its own constitutional duties. The matter directly raises issues regarding the duties of the provincial and national branches of government in respect of the collapse in governance in the 1st respondent.

10.3 The court file has been indexed, paginated, and lodged with the Registrar.

10.4 The parties are represented by various attorneys' firms from across three provinces. The applicants request that any case management hearings / pre-trial conferences be held virtually.

Dated at **PRETORIA** on this the **28 NOVEMBER 2022.**

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