

**AD HOC COMMITTEE ESTABLISHED BY THE NORTH WEST PROVINCIAL LEGISLATURE TO  
INQUIRE INTO THE ALLEGATIONS MADE BY THE MAYOR OF NALEDI LOCAL  
MUNICIPALITY**

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**INDEX: MR LAZARUS MOKGOSI'S AFFIDAVIT**

**WITNESS BUNDLE No.7: "WB7"**

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**AFFIDAVIT OF  
HON LAZARUS MOKGOSI**

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I the undersigned:

**HON LAZARUS MOKGOSI**

do swear under oath and state that:

1. I am an adult male Premier of the Northwest Province. Before ascending to this position, I was the Chief Whip of the Provincial Legislature. I was also the chairman of the ANC deployment committee.
  - 1.1. The facts deposed to in this affidavit fall within my own personal knowledge and are to the best of my knowledge both true and correct unless the context indicates otherwise.
  - 1.2. Where I make averments of legal nature, I do so at the advice of my legal representatives which advice I accept as the true position of our law.
  - 1.3. Where I make reference to other third parties, I annex their confirmatory affidavits or alternatively their affidavits are already before the ad hoc committee.
  - 1.4. I am duly authorised to depose to this affidavit as the matter pertains to my alleged political interference in the appointment of the Municipal Manager at Naledi Local Municipality.

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*DMM*

PURPOSE OF THIS AFFIDAVIT.

2. I depose to this affidavit extra abundant cautela having succumbed to the incessant pressure from the evidence leader who seemed to ignore that my legal representatives were closed for the festive season as my affidavit was demanded as late as the 19<sup>th</sup> of December 2025.
3. In this affidavit. I wish to raise a number of preliminary issues which strike at the heart of the legitimacy of this ad hoc committee. I am advised that this committee is illegally constituted and its terms of reference are affront to the doctrine of separation of powers. However, even if this committee's legitimacy was to be sustained, there is simply no case for me to answer based on the evidence placed before the Committee thus far.
4. I now wish to proceed to deal with the preliminary issues forthwith.

THE AD HOC COMMITTEE IS ILLEGAL AND A VIOLATION OF THE PRINCIPLE OF LEGALITY.

5. It is common cause that the ad hoc committee was established following allegations of political interference made by the Mayor of Naledi Local Municipality whom I am advised is an Advocate of the High Court of South Africa.

L.M

DMM

6. The allegations made by Mr Grope were speculative and based purely on hearsay evidence which was never corroborated in any respect by Mr Sejake or any of the witnesses called to testify.
7. The business of the Parliamentary Portfolio Committee were halted following such allegations by Mr Groep which effectively gave Naledi Local Municipality immunity to Parliamentary oversight in the name of investigating political interference.
8. It is common cause that the allegations made by Mr Groep were based on issues which had either been determined by the court, were *lis* or remain *lis* to this present day.
9. I watched the evidence leader taking Mr Groep through his evidence on when certain processes were executed in the recruitment process in his bid to prove that the recruitment process complied with the Regulations. The evidence leader had no issue in leading this evidence before the committee.
10. This evidence is exactly what was pleaded in his supplementary affidavit which he deposed to when the matter was re – enrolled having been initially struck off from the roll on the 24<sup>th</sup> of March 2023. I do not wish to repeat the averments in the said supplementary answering affidavit which I hereby attach as **annexure A**. I incorporate the averments therein as if specifically pleaded in this affidavit.
11. It is common cause that none of the pleadings which were exchanged in up to about 8 urgent applications relevant to this matter are before the

L.M



committee. It is difficult to understand how the committee intends not to deal/ or has been avoiding dealing with the issues which were before the Court(s) without sight of the pleadings exchanged by the parties. Any undertaking by the committee (past and present) that it will not be dealing with issues before the court(s) is a fallacy.

12. It is common cause that the judgment handed down by Judge Reid was the subject matter of appeal before the SCA which has since handed down its judgment dismissing the appeal. If Mr Groep was aggrieved by the judgment in as far as compliance with the Regulations was concerned, he ought to have dealt with such in his Notice of Appeal before the SCA. Having failed to deal with the non-compliance with the Regulations which was upheld by the High Court, Mr Groep cannot resort to raising the grounds which he failed to plead in his papers before this committee.

13. The entertainment of that which was pleaded before the court in order to prove that the recruitment process was compliant with the Regulations strikes at the heart of the legitimacy of this ad hoc committee. The following are questions which must be answered: -

13.1. Does the ad hoc committee have residual powers to sit as a pseudo appeal court to determine that which served before the court?

13.2. If the position of the ad hoc committee is that it is imbued with such powers, where are these powers derived from and how are

L.M

QMM

they reconcilable with the doctrine of separation of powers which is the bedrock of our democracy?

13.3. Can a decision of the court be watered down by parallel equerry and possible adverse finding of an ad hoc committee to appease the bruised ego of a non-victorious party to a legal suit?

14. What corroborates the questions above is that the allegations made by Mr Sejake were contained in an affidavit which was filed before the High Court when Mr Appolus and others sought leave to appeal the contempt judgment to the SCA. I am advised that leave to appeal has since been granted to the SCA. How does the ad hoc committee deal with Mr Sejake's allegations as contained in his affidavit without simultaneously interfering with the on-going court process?

15. Furthermore, when judgment was reserved in the main appeal which served before the SCA, Mr Groep and others submitted the same affidavit and wrote a letter to the SCA seeking to introduce the evidence of Mr Sejake. I am also advised that Mr Appolus and other respondents did not oppose the introduction of the evidence. It is common cause that judgment in respect of the main appeal was handed down on the 14<sup>th</sup> of November 2025. Therefore, it follows that this affidavit was placed before the SCA and the issues raised therein determined by the court in whatever shape or form. With sublime monotony, I shall pause these questions once again: -



L.M

- 15.1. On what basis can the ad hoc committee sit to determine that which has already served before the High Court and the SCA?
- 15.2. Where does the ad hoc committee derive such powers from and how is any such source of power reconcilable with the Constitution?
- 15.3. How does an ad hoc committee preside over that which it feels was omitted or not properly dealt with before a court of law especially when there is a pending appeal process on the same matter?
16. This takes me to the current application for direct access to the Constitutional Court by Mr Groep and others after the SCA dismissed the appeal. I attach hereto the Application for direct access to the Constitutional Court as **Annexure B**.
17. I do not wish to repeat the averments in the founding papers which are self-explanatory. The plain reading of the founding papers before the Constitutional Court reveal that the Applicants (Mr Groep and others) seek leave to be granted direct access. One of the grounds relied upon by the applicants is that there was political interference, forgery of report(s) by myself, Mr Appolus and others.
18. The applicants also contend that the SCA erred in not considering the evidence of Mr Sejake which he deposed to in his affidavit before the High

L.M



Court and before the SCA. This very same affidavit which is serving as evidence before this committee.

19. This raises the following questions: -

- 19.1. Why is the ad hoc committee dealing with the issues which are pending before the Constitutional Court?
- 19.2. How is this not deemed political interference with court processes?
- 19.3. Was the ad hoc committee established to assist the applicants with grounds of appeal and direct access to the Constitutional Court?
- 19.4. Whereas the committee stated that material before it cannot be used in litigation, the committee itself is using material which was and remains part of litigation. What is the legal justification to this intrusion into the functions of the court?
- 19.5. Furthermore, the applicants have not hesitated to use the material before the ad hoc committee in litigation. *(I am yet to see the Respondent's answering papers in which case I reserve the right to amend my papers dealing with such).*
- 19.6. Whose political bidding is the ad hoc committee established for?
- 19.7. Does the ad hoc committee have concurrent jurisdiction with the courts and in this present instance, the Constitutional Court?

L.M

*DMM*

19.8. How am I expected to defend myself before the Constitutional Court whilst at the same time having to deal with a parrel process before the ad hoc committee.

19.9. Is the ad hoc committee cognisant of the criminal case which Mr Groep is pursuing? what are my rights in terms of section 35 of the Constitution and the Criminal Procedure Act.

20. I therefore contented that this committee is affront to the doctrine of separation of powers. It is a violation of the rule law and the usurpation of the powers and functions of our courts.

**NO CASE MADE OUT AGAINST ME.**

21. I am accused of political interreference by forgery of: -

21.1. The report on the recruitment process submitted by the Council to the MEC.

21.2. The report of the MEC refusing concurrence.

21.3. and for misleading the erstwhile MEC (Hon Nono Maloyi).

22. Mr Sejake testified that I was assisted by the HOD of COGHSTA (Mr Bole). the following are questions which need answers before I can answer to any allegation levelled against me: -



L.M

- 22.1. Did Hon Nono Maloyi testify that I had indeed misled him as alleged?
- 22.2. If so what was the nature and extent of my misrepresentation to him?
- 22.3. What was my role in the recruitment process which gave me the power and the platform to mislead him?
- 22.4. Where is his statement under oath wherein he confirmed the above.
- 22.5. Why has the evidence leader hastened to obtain an affidavit from me without obtaining the Hon Nono Maloyi's affidavit?
- 22.6. Has the committee been furnished with Mr Bole's affidavit confirming that I forged any reports with him?
- 22.7. In the absence of the above affidavits, can it be said that I have a case to answer?
- 22.8. If I have a case to answer, what exactly is the case and the evidence upon which it is built?
- 22.9. Where does Mr Groep and Mr Sejake state or testify the nature and extent of the so called forgery?



22.10. Have they clarified exactly that which I forged and provided the evidence to enable me to answer (if I have to answer to this committee).

22.11. The ad hoc committee seems to be investigating an attempt to temper in the event that the real tempering cannot be proved.

23. The committee was given evidence of real political interference by Mr Groep. He testified that after the ANC deployment committee instructed Council not to appoint Mr Segapo due to irregularities which have since been confirmed by the court(s). He testified further that two members of the ANC (Politicians) whose names were provided to the committee told them to ignore the instruction and go ahead with the appointments. Why has the committee not investigated this? Oh yes of course, the terms of reference put a bounty on my head with Mr Sejake having told Mr Appolus that I must be removed from the position of Premier by December 2025.

24. The committee is being used as a means to evade accountability, circumvent judgments of courts and settle political scores. There is nothing which has been proven against me to warrant a defence from me. Mr Appolus has explained the context of his Whatsapp message which I am unable to explain as I am not the author thereof.

25. I cannot be called upon to come and answer to rumours and tea party gossip. The committee was clearly appointed to defend Mr Segapo if one has regards to all the evidence placed before it. I have no personal interest



L.M

in Mr Segapo's case and I refuse to be dragged into some manufactured controversy aimed at buying him a new tenure.

THE COMMITTEE'S PARTIALITY.

26. Mr Groep was questioned/cross examined on evidence which had been placed before the committee by the evidence leader as well as the commissioners. His version and that of other witnesses was thus put to the test.
27. The same procedure was followed on Mr Sejake **and yet there is one affidavit which remained a secret and was seemingly sent to the other parties by mistake.**
28. I watched as Mr Appolus testified before this committee. He sought to make reference to the affidavit of one Mr. Dithole Hendrick Moate employed as Deputy Director Capacity Building carrying his duties as such in the office of the MEC.
29. The said affidavit must have put the enquiry to rest having outlined the procedure followed after the Mayor submitted the recruitment report to the office of the MEC.
30. Whereas it is alleged that I doctored a draft report which resulted in concurrence being refused, the draft report in the affidavit from the office of the MEC has more non-compliances compared to the final report.



L.M

31. In fact the final report selected a few non-compliance issues when concurrence was denied. If I am responsible for doctoring such a report and as I was determined to get rid of Mr Segapo, I could not have curtailed the number of non-compliance points which had already been identified in the report.
32. How then did I doctor this report as alleged? Did I perhaps doctor it by reducing the number of non-compliance points as appears in the draft report juxtaposed against the final report? If it is so, why did I choose to be merciful whilst desperate to get rid of Mr Segapo.
33. What is shocking is that Mr Appolus tried to refer to this affidavit to corroborate the letter which Sejake brought to his place in April 2023 dealing with Segapo's qualification. The blocking exercise of the evidence leader was manifest and no reference was made to this affidavit until the committee adjourned.
34. None of the Commissioners had this affidavit which was and remains crucial evidence before this committee.
35. None of the witnesses were questioned/cross examined on this affidavit. Why was this evidence disregarded as if it never existed? The inescapable conclusion is that the Committee is a hired assassin whose sniper rifle is aimed towards my head.
36. There isn't and there can never be a acceptable explanation why the Committee has not obtained affidavits from people who I either allegedly

L.M

DMM

misled or committed forgery with whilst at the same time ignoring an important affidavit from the office of the MEC as if it does not exist.

37. I therefore refuse to sanitise a process which laden with illegalities which are visible to the naked eye. The Provincial Legislature cannot and must never be allowed to usurp the powers and the functions of our courts lest there will be reign of terror or anarchy.

38. If called upon to appear before the committee, I shall avail myself but I will refuse to give testimony on any matter which is sub judice. My contentions are as contained in this affidavit and I shall elaborate them orally of the need arises.

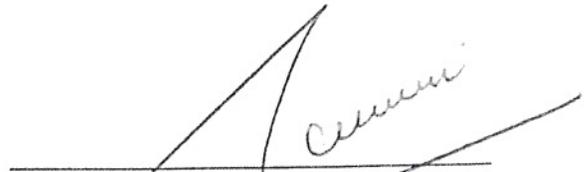
#### CONCLUSION.

39. Reach out to your inner selves and revisit the oaths you took before assuming your roles as members of the Provincial Legislature. The Ad hoc committee is an abuse of tax payers money as it should never have been constituted to investigate issues which Mr Groep himself testified was pending before the court of law. I am aware that Mr Segapo deposed to an affidavit on the 5<sup>th</sup> of December 2025 (almost a month after the SCA judgment and after the appointment of someone purported to be the acting MM who was appointed on the 17<sup>th</sup> of November 2025). He continues to behave this way as he enjoys protection from the likes of this ad hoc committee in the name of political interference. I cannot give any direction pertaining to this matter as I am deemed to have personal interest. The rule

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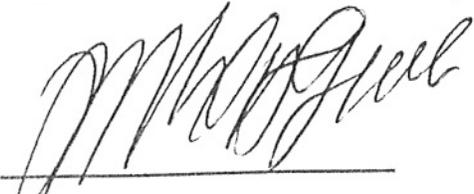


of law becomes the sacrificial lamb. The Constitution and the rule of law must reign supreme. The Provincial Legislature must act within the parameters of the law and not usurp the functions of the judiciary. The ad hoc committee is indeed a kangaroo court which must not continue exercise powers it does not have.

  
MR LAZARUS MOKGOSI

THUS SWORN AND SIGNED TO BEFORE ME AT TLEDADAME ON THIS THE 13 DAY OF JANUARY 2026

The deponent having acknowledged that he: Knows and understands the contents of this affidavit; Has no objection to taking the prescribed oath; and Considers the prescribed oath binding on his conscience. The administration of the prescribed oath having complied with the Regulations as prescribed in government gazette number R1258 of the 21<sup>st</sup> day of July 1972, as amended.



Commissioner of oaths

Full names:

Capacity:

Address

DAVID MILANTSE MOKGOSI  
STATION COMMANDER  
TLEDADAME POLICE STATION  
MHEVU TRAIL  
TLEDADAME

TIRELO YA MAPODISA A AFRICA BORO  
- COMMUNITY SERVICE CENTRE  
13 JAN 2026  
- TLHABANE -  
SUID AFRIKAANSE POLISIEDIENST  
SOUTH AFRICAN POLICE SERVICE

COPY

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

CASE NO: UM53/2023

In the matter between:

THABO APPOLUS	1 <sup>ST</sup> APPLICANT
CLLR LORATO SETHLAKE	2 <sup>ND</sup> APPLICANT
CLLR LEBOGANG JACOBS	3 <sup>RD</sup> APPLICANT
CLLR VUYISWA MORAKILE	4 <sup>TH</sup> APPLICANT
and	
NALEDI LOCAL MUNICIPALITY	1 <sup>ST</sup> RESPONDENT
NALEDI LOCAL MUNICIPAL COUNCIL	2 <sup>ND</sup> RESPONDENT
NELSON MONGALE N.O. (former Acting Municipal Manager)	3 <sup>RD</sup> RESPONDENT
CLLR PGC GULANE N.O (Speaker of Council)	4 <sup>TH</sup> RESPONDENT
CLL J GROEP N.O (Mayor)	5 <sup>TH</sup> RESPONDENT
MR MODISENYANE SEGAPO N.O (Newly appointed Municipal Manager)	6 <sup>TH</sup> RESPONDENT
THE MEC FOR COOPERATIVE GOVERNANCE HUMAN SETTLEMENT AND TRADITIONAL AFFAIRS NORTH WEST PROVINCE	7 <sup>TH</sup> RESPONDENT
SOUTH AFRICAL LOCAL GOVERNMENT ASSOCIATION (SALAGA)	8 <sup>TH</sup> RESPONDENT
PROVINCIAL TREASURY: NORTHWEST PROVINCE	9 <sup>TH</sup> RESPONDENT

Documents Filed by:  
Nicolene Neethling

L. M

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FILING NOTICE

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Documents Filed: FIRST, SECOND, FOURTH, FIFTH AND SIXTH  
RESPONDENTS' ANSWERING AFFIDAVIT TO  
APPLICANTS' SUPPLEMENTARY AFFIDAVIT

Filed by: SMIT NEETHLING INCORPORATED

DATED AT MAHIKENG ON THIS THE 14<sup>TH</sup> DAY OF JULY 2023.

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SMIT NEETHLING INCORPORATED  
ATTORNEYS FOR THE 1<sup>ST</sup>, 2<sup>ND</sup>, 4<sup>TH</sup>, 5<sup>TH</sup> & 6<sup>TH</sup> RESPONDENTS  
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REF: NJ/NAL5/0026/2023/ljvr

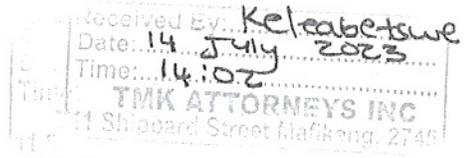
Instructed by: Du Plessis-Viviers Inc

Vryburg

TO: THE REGISTRAR  
NORTH WEST DIVISION, MAHIKENG

h.M

AND TO: MABAPA ATTORNEYS INC  
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L.M

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

CASE NO: UM53/2023

IN THE MATTER BETWEEN:

THABO APPOLUS	FIRST APPLICANT
CLLR LORATO SETHLAKE	SECOND APPLICANT
CLLR LEBOGANG JACOBS	THIRD APPLICANT
CLLR VUYISWA MORAKILE	FOURTH APPLICANT
AND	
NALEDI LOCAL MUNICIPALITY	FIRST RESPONDENT
NALEDI LOCAL MUNICIPAL COUNCIL	SECOND RESPONDENT
NELSON MONGALE N.O.	THIRD RESPONDENT
CLLR P G C GULANE N.O.	FOURTH RESPONDENT
CLLR J GROEP N.O.	FIFTH RESPONDENT
MR MODISENYANE SEGAPO N.O.	SIXTH RESPONDENT
THE MEC FOR COOPERATIVE GOVERNANCE HUMAN SETTLEMENT AND TRADITIONAL AFFAIRS NORTHWEST PROVINCE	SEVENTH RESPONDENT
SOUTH AFRICAN LOCAL GOVERNMENT ASSOCIATION	EIGHTH RESPONDENT
PROVINCIAL TREASURY NORTHWEST PROVINCE	NINTH RESPONDENT

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FIRST, SECOND, FOURTH, FIFTH AND SIXTH RESPONDENTS'  
ANSWERING AFFIDAVIT TO APPLICANTS' SUPPLEMENTARY AFFIDAVIT

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L.M

I, the undersigned,

CLIFTON JOHN GROEP

do hereby make oath and say that:

1. I am:
  - 1.1 a male of full legal capacity.
  - 1.2 The duly elected Mayor of the Naledi Local Municipality currently in office in that capacity.
2. I have already deposed to an answering affidavit to the Applicants' initial founding affidavit.
3. As I have explained in that affidavit I am cited in this matter in my official capacity as the Fifth Respondent, and I have personal knowledge of the facts contained herein.
4. The Fourth and Sixth Respondents are also cited in their official capacities being respectively the Speaker of Council and the Municipal Manager.

#### BACKGROUND

5. On 24 March 2023 the Applicants' urgent application was struck from the roll.
6. The Applicants have now delivered a "Supplementary Notice of Motion" and in support thereof the "Supplementary Affidavit" has also been delivered.

L.M

7. The curious fact is that the Applicants seek the same relief in the "Supplementary Notice of Motion" which they did in the initial notice of motion.
8. It appears that the Applicants are of the view that events that occurred after 24 March 2023 rendered the matter urgent again. As I will illustrate herein that is not the case. The matter is not urgent because the relief claimed by the Applicants cannot be entertained, whether on an urgent basis or in the normal course.
9. As was the case on 24 March 2023, I therefore request the Honourable Court to strike the matter from the urgent roll because it is not urgent.
10. As was the case on 24 March 2023, and for the the reasons and based upon the facts set out in my answering affidavit which has already been delivered, the First, Second, Fourth, Fifth and Sixth Respondents jointly oppose the relief sought by the Applicants in this matter.
11. I repeat that although the relief sought herein purports to be claimed against the First and Second Respondents, I have already illustrated in the answering affidavit that the relief is effectively directed at and claimed against the Sixth Respondent in a thinly veiled attack of his appointment as the First Respondent's Municipal Manager.
12. I have already explained in the answering affidavit that the appointment of the Sixth Respondent followed upon the *ex lege* expiry of his prior appointment on 8

L.M

November 2022 which resulted in the vacancy. The Sixth Respondent applied for the vacant position and upon due process he was appointed to the position on 10 March 2023.

13. The purpose of the present application is still solely directed at challenging the Sixth Respondent's appointment.
14. The interesting fact is that although the Applicants now ostensibly want to rely on the communication issued by the MEC in respect of the Sixth Respondent's appointment, they still seek the same relief as previously namely that they take issue with the lawfulness of the council meeting of 10 March 2023 at which meeting Council resolved to appoint the Sixth Respondent in the position of Municipal Manager.
15. I have already illustrated in the answering affidavit that the Council meeting of 10 March 2023 was not unlawful nor invalid. Accordingly, the relief sought by the Applicants must fail.

#### THE RELIEF CLAIMED

16. In their Supplementary Notice of Motion, the Applicants still claim that the Council meeting held on 10 MARCH 2023 should be declared unlawful and invalid. They concomitantly claim that all resolutions taken at that meeting be set aside.

L.M

17. As I have already explained in the answering affidavit the reality is that the Applicants effectively only want to challenge the fact that the Sixth Respondent was, at that Council meeting, appointed as the First Respondent's Municipal Manager.
18. Their challenge to the meeting on purported procedural grounds is merely an attempt to have the Municipal Manager's appointment nullified.
19. The Applicants further request the Honourable Court to order the First and Second Respondents to re-advertise the position of the Municipal Manager and to commence the recruitment process *de novo*.
20. The Applicants ostensibly do not appreciate that even if the Sixth Respondent's appointment at the meeting held on 10 March 2023 is nullified on procedural grounds (and I reiterate that it can't) there would be no need to re-advertise the position and start the process *de novo*. At worst, the council meeting would have to be reconvened.
21. The fact that the Applicants still seek an order pertaining to the re-advertising of the position of municipal manager, clearly shows that this is what they are after. As I have however explained in the preceding paragraph, the Applicants' logic fails them.
22. They effectively seek a *mandamus*, in that they request the Honourable Court to order the First and Second Respondents to re-advertise the position of the

L.M

Municipal Manger, without touching on the requirements which must be met for such *mandamus* to be granted.

23. Lastly, the Applicant wants an order to issue against the First Respondent that its "*funds must not be used to defend these proceedings*". The Applicants accordingly seek an interdict against the First Respondent, in terms of which the First Respondent is to be interdicted to use the First Respondent's funds to pay its legal representatives, without touching on the requirements which must be met for such interdict to be granted.
24. The Applicants dismally fail to make out a case for any of the relief sought and the application must be dismissed with costs.

#### *IN LIMINE*

25. I am advised that the several points *in limine* need to be addressed. I will accordingly first deal with such points *in limine*.

#### NON-COMPLIANCE WITH RULE 41A

26. I am advised that Rule 41A requires of all litigants to consider the prospects of resolving their dispute by mediation. Rule 41A is clear. A litigant must consider the prospect of resolving the dispute by mediation and a litigant must give notice of its election in that regard.
27. The Applicants have still not given notice of their election under Rule 41A.

L.M

28. Whereas the Applicants had not initially given notice of their election in terms of Rule 41A, and they again have not done so, this matter is not ready to proceed.
29. The application should again be struck from the roll with costs, alternatively be dismissed with costs, for this reason alone.

**THE APPLICANTS DO NOT HAVE *LOCUS STANDI***

30. I repeat the content of my answering affidavit pertaining to the Applicants' *locus standi* namely that the Applicants do not present any facts upon which they might claim to have *locus standi* to apply for the relief claimed.
31. I repeat what I have said in the initial answering affidavit namely that:
- 31.1 The First Applicant is an employee of the First Respondent. It is not within the scope of his duties to challenge the decisions of the First or the Second Respondent.
- 31.2 It is also not within the scope of his duties to consider the lawfulness of council meetings.
- 31.3 Council meetings are conducted in terms of its own Standing Rules and Order for Council Meetings ("the Standing Rules"). The First Applicant does not have any standing in Council, and therefore he also has no standing to challenge the lawfulness of Council's meetings.
- 31.4 Even if he has such duty beyond the scope of his employment, the First Applicant does not have the authority to approach this Court directly to seek

L.M

an order to have any council meeting declared unlawful. He is an employee of the First Respondent.

31.5 If he has any qualms with his employer, he should first seek to avail of internal remedies. The First Applicant therefore has no *locus standi* in his capacity as an employee of the First Respondent, and not in his personal capacity, to challenge the lawfulness or not of any meeting of the Second Respondent.

31.6 The Applicants do not purport to act in the public interest. The First Applicant only refers to the alleged trampling upon the rule of law and the violation of rights of the community in paragraph 90 of his Founding Affidavit, but he does not contend that he has tasked himself to bring this application in the public interest.

32. On the contrary, I have already illustrated in the answering affidavit that the First Applicant wants to be appointed in the position of Municipal Manager. He however initially applied for the position but withdrew his application. He did not apply when the vacancy was re-advertised.

33. The First Applicant is unfortunately nothing more than a disgruntled employee of the First Respondent who for undisclosed reasons of his own wants to derail the proper functioning of the First Respondent.

34. The Second, Third and Fourth Applicants are all duly elected councillors of the Second Respondent. The Standing Rules apply to all three of them. The fact that

L.M

the Second and Third Applicant walked out of the meeting after the Fourth Applicant was ordered to leave the meeting, does not invalidate the lawfulness of the meeting. The Honourable Court is respectfully referred to the provisions of Standing Order 14.

35. Not one of the Second, Third and Fourth Applicants has taken any steps to utilise available internal remedies if they had reason to challenge the lawfulness of Council's meeting and the validity of Council's resolution (to appoint the Sixth Respondent as its Municipal Manager). They could not have done so in any event, because the meeting was not unlawful.
36. I respectfully submit that they are also not acting in the public interest. Accordingly, they also do not have *locus standi* to challenge the lawfulness of the Second Respondent's meeting of 10 March 2023.

#### THE APPLICATION IS STILL PREMATURE

37. I have already illustrated in the answering affidavit that the application was premature when it was first enrolled on 24 March 2023.
38. The events that occurred after 24 March 2023 did not change that position.

L.M

39. The Applicants fails to appreciate that the appointment of a municipal manager is regulated by the provisions of section 54A of the Local Government: Municipal Structures Act 32 of 2000.
40. In compliance with the requirements of section 54A the municipality indeed submitted its report to the MEC. The report is voluminous, and a copy of the report will be made available to the Court at the hearing of this matter.
41. Upon receipt of the report the MEC issued a letter to the municipality in terms of which only one procedural issue was raised. A copy of the MEC's letter is attached marked "A".
42. In response to the MEC's letter the municipality delivered a comprehensive reply. A copy of the reply is attached marked "B".
43. That is where things stand currently. The process in terms of section 54A is not complete.
44. In any event, even if the MEC is of the view that the appointment is not to be finally supported, the provisions of section 54A requires the MEC to take appropriate steps to enforce compliance by the municipal council with the section, which may include an application to a court for a declaratory order on the validity of the appointment, or any other legal action against the municipal council.

L.M

45. It follows that it is the MEC that has *locus standi* to challenge the validity of the appointment – and not the Applicants.
46. Whereas the process contemplated in section 54A is still ongoing, and even if the application had merits on any other grounds (which is denied) it is still premature.
47. In addition, section 54A(9) provides that where an MEC for local government fails to take appropriate steps referred to in subsection (8), the Minister may take the steps contemplated in that subsection.
48. In that event, the Minister would be the party to take further steps – and again not the Applicants.
49. The present application therefore remains premature because a statutory remedy which must be followed if the appointment of a municipal manager is to be set aside, is available in law.
50. That statutory remedy falls within the powers of the MEC, or the Minister, and not within the powers of an employee of the First Respondent or of any of its councillors (such as the Second, Third and Fourth Applicants).

L.M

51. I respectfully refer the Honourable Court to the content of my initial answering affidavit in which I have comprehensively dealt with the statutory process that is to be followed in terms of section 54A.

I now turn to the content of the Supplementary Founding Affidavit. Any omission to deal with an averment must be clearly understood to be denied.

#### AD SUPPLEMENTARY FOUNDING AFFIDAVIT

##### AD PARAGRAPH 1

52. The identity of the First Applicant is admitted. He is indeed an employee of the First Respondent.

53. I take notice that the First Applicant purports to act pursuant to legal advice obtained by him. I respectfully say such legal advice is bad in law.

##### AD PARAGRAPHS 2 TO 4

54. I deny that events that occurred after 24 March 2023 had made the matter competent or urgent.
55. The Applicants still fail to comprehend that the appointment of a municipal manager, and the remedies available if such appointment is to be challenged, is regulated by the provisions of section 54A.

L.M

56. I have already explained above why the Applicants do not have *locus standi* and why the present application is still premature.

**AD PARAGRAPHS 5 TO 9**

57. It is correct that the application was struck from the roll on 24 March 2023.
58. It is also correct that the MEC issued a letter to the municipality on 11 April 2023. I have attached a copy of that letter as annexure A. The letter is not attached to the founding affidavit as HH1 as averred by the Applicants.
59. I have already explained above that the municipality has comprehensively responded to the MEC's letter and currently the process is ongoing.

**AD PARAGRAPHS 9 TO 14**

60. Save to take notice of the correspondence issued by the Applicants' attorneys to the MEC, the content hereof is denied. In any event, if the Applicants want to take issue with the MEC's decision, that will require a separate review of the decision, and it is not a subject that can be deliberated upon in the present application.
61. It is evident from the content of these paragraphs that the Applicants ostensibly wants to review the MEC's decision. Needless to say, that cannot be done in the present application.

L.M

## AD PARAGRAPHS 15 TO 17

62. The content hereof is denied. I reiterate that the process in terms of section 54A is ongoing.

## 63. IN CONCLUSION:

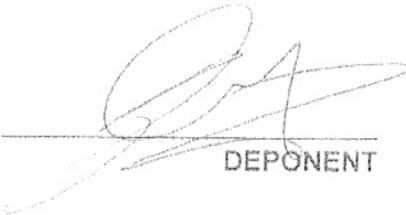
63.1 the Applicants do not have *locus standi*;

63.2 the application is not urgent;

63.3 The relief sought is premature;

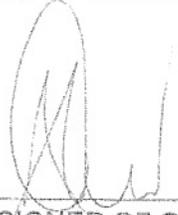
63.4 The Applicants do not make out a case for any of the relief sought.

WHEREFORE the First, Second, Fourth, Fifth and Sixth Respondents pray that the application be struck from the roll because it is not urgent, *alternatively* that it be dismissed with costs on the scale as between attorney and client.



DEPONENT

SIGNED and SWORN to before me at VRYBURG on this 14 day of JULY 2023, the deponent having acknowledged that he knows and understands the contents of this affidavit, that he has no objection to taking the prescribed oath and that he considers the oath to be binding on his conscience.



COMMISSIONER OF OATHS

JOHANNES DAVID VAN ZYL  
KOMMISSARIS VAN EDE  
PRAKTISERENDE-PROKUREUR  
DELAREYSTRAAT 28

L.M



cogta

Department:  
Cooperative Governance and  
Traditional Affairs  
North West Provincial Government  
REPUBLIC OF SOUTH AFRICA



## MUNICIPAL ADMINISTRATION

2nd Floor West Wing, University Drive  
Gereona Building  
Private Bag X 2146, Mmabatho, 2735  
Tel: +27 (0) 18 388 2882

House No. 1 Lower Complex, Old Parliament, Mmabatho, 2738  
Chief Directorate, Traditional Affairs, Private Bag X2005  
Mmabatho, 2735  
Tel: +27 (0) 18 388 4484 FAX: +27 (0) 85 651 7866

Enquiries: DH Moate  
Tel: 018 388 4377

11 APRIL 2023

THE MAYOR  
NALEDI LOCAL MUNICIPALITY  
P.O. BOX 35  
VRYBURG  
8600

ATTENTION: CLLR CJ GROEP

SUBJECT: REPORT ON THE PROCESS OF APPOINTING THE MUNICIPAL  
MANAGER AT NALEDI LOCAL MUNICIPALITY.

1. Your report dated 23 March 2023 refers.
2. The appointment report as submitted has been evaluated against the requirements of the Local Government Municipal Senior management Regulations as follows.

### 2.1 PRESCRIBED PROCESS – EVALUATION OF PROCESS MATTERS.

The MEC confines himself with the procedural and substantive requirements in so far as it relates to the appointment of municipal senior managers by focusing on the documents submitted as per Reg. 17(4).

#### Evaluation of process matters- Timelines

Reg.	Activity	Actual	Comments
10(1)	Advertisement placed on the newspaper (city press)	23/10/2022	Compliant(National News Paper)

Let's grow North West together

L.M

RESPONSE LETTER TO NALEDI LM – APPOINTMENT REPORT OF THE MUNICIPAL MANAGER

10(3)(k)	Closing date of advert (min 14 and max 30 days)	07/11/2022	Compliant(14 Days)
13(2)	Shortlist within 30 days	09/11/2022	Complaint (4 Days)
14(1)	Screening within 21 days of shortlisting	18/11/2022	Compliant (7 Days)
15(1)	Conduct interviews with 21days of screening	25/01/2023	Non-compliant (44 days)

#### Summary of Outcome

The appointment report partially complies with the prescribed content requirements. The issues of non-compliance are the following:

- Interviews were conducted 44 days after screening process, which is more by 23 days of screening process and that is in contravention to Reg. 15(1) on appointment and conditions of employment of Senior Managers.
- The screening report is attached but incomplete, there is no letter from National Cogta or evidence from the municipality that the request for screening was sent to National Cogta.
- MIE screening result is dated 1<sup>st</sup> July 2021 which is prior the vacancy date (31 October 2022).
- Minutes of shortlisting non-Compliant, those attached not mentioning the shortlisted candidates. The minutes only speaks to re-advertisement.
- Minutes of the interviews non-Compliant, not mentioning the top three candidates and those recommended for competency assessment.
- No written confirmation attached by the successful candidate that he does not hold political office.
- The term of contract as reflected on the letter of appointment is non-compliant as it exceeds the term of Council by 4 months

In overall the recruitment process partially complies with the prescribed requirements.

L.M

## RESPONSE LETTER TO NALEDI LM – APPOINTMENT REPORT OF THE MUNICIPAL MANAGER

## 2.2 QUALIFICATIONS, EXPERIENCE AND COMPETENCIES

Comparable competency profile and the incumbent's qualifications for the post of the municipal manager.

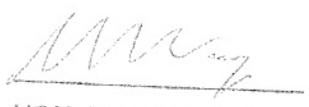
Prescribed qualifications and experience as per Annexure B	Mr MT Segapo	Comments
<b>Qualifications</b> Bachelor Degree in Public Administration/Management Sciences/Social Sciences/Law or equivalent.	<b>Qualifications</b> <ul style="list-style-type: none"> <li>• Biuris Degree</li> <li>• Municipal Financial Development Programme</li> </ul>	Compliant, qualifications are consistent with Annexure B to the regulations.
<b>Experience</b> 5 years' experience at senior management level.	<b>Experience</b> More than 5 Year Senior Management Experience,	Compliant
<b>Competency</b>	Competent	Complies
<b><u>Assessment outcome of Annexure B to the Regulations</u></b> <ul style="list-style-type: none"> <li>• Qualifications – In line with Annexure B</li> <li>• Years of Experience – Compliant</li> <li>• Competency – Competent</li> </ul>		<ul style="list-style-type: none"> <li>• Compliant</li> <li>• Compliant</li> <li>• Compliant</li> </ul>

**Response.** According to the information at my disposal the recruitment process partially complies with the prescribed requirements of the Regulations on appointment and conditions of employment of Senior Managers, therefore it is not supported.

L.M

RESPONSE LETTER TO NALEDI LM – APPOINTMENT REPORT OF THE MUNICIPAL MANAGER

Regards



HON. P.D.N. MALOYI  
MEC COGSHTA

26/04/23  
DATE

L.M

"B" 36

IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA

CCT Case No. **375/25**  
Court *a quo* Case No.: UM 53/ 2023  
SCA Case No.: 122/2024

*In the matter application between:*

NALEDI LOCAL MUNICIPALITY	First Applicant
NALEDI LOCAL MUNICIPAL COUNCIL	Second Applicant
CLLR P G C GULANE N.O.	Third Applicant
CLLR J GROEP N.O.	Fourth Applicant
MR MODISENYANE SEGAPO N.O.	Fifth Applicant

*and*

THABO APPOLUS	First Respondent
CLLR LORATO SETHLAKE	Second Respondent
CLLR LEBOGANG JACOBS	Third Respondent
CLLR VUYISWA MORAKILE	Fourth Respondent
THE MEC FOR COOPERATIVE GOVERNANCE HUMAN SETTLEMENT AND TRADITIONAL AFFAIRS NORTHWEST PROVINCE	Fifth Respondent



**NOTICE OF MOTION:**

**APPLICATION FOR LEAVE TO APPEAL AND DIRECT ACCESS**

TAKE NOTICE THAT the applicants bring an application to this honourable Court in accordance with sections 167(3)(a) and (3)(b)(i), alternatively (ii) and 167(6)(b) of the Constitution of the Republic of South Africa, 1996 ("the Constitution") read with rules 18 and 19 of the Rules of the Constitutional Court for an order in the following terms:

L.M

1. That the applicants be granted leave for direct access to this Honourable Court;
2. The whole judgment and order (including the costs order) of the Supreme Court of Appeal, dated 14 November 2025, be set aside.
3. Issuing such directions to the hearing of the appeal as it may deem fit; and
4. Ordering the respondents who oppose this application to pay the applicants' costs thereof, alternatively, ordering that costs of the application be the costs in the appeal.

**TAKE NOTICE FURTHER THAT** the affidavit of **CLIFTON JOHN GROEP** and the accompanying annexures (where necessary) will be used in support of this application.

**TAKE NOTICE FURTHER THAT** the applicants have appointed the address set out hereinafter as the address at which it will accept notice and service of all process in these proceedings.

**TAKE NOTICE FURTHER THAT** if you intend opposing this application, you are required to:

- (a) notify the applicants' attorneys in writing within 10 days of the service of this application upon you.

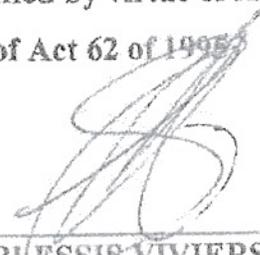
**TAKE FURTHER NOTICE THAT** the applicants have not applied nor do they intend to apply for leave or special leave to any other Court.

**DATED** at **VRYBURG** on this the **5th** day of **DECEMBER 2025**.

L.M



Attorney with appearance as  
Certified by virtue of Article  
4(2) of Act 62 of 1995



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**C/O JAGGA & ASSOCIATES**  
EQUITY HOUSE, 18 BOMPAS ROAD  
DUNKELD WEST, SANDTON  
e-mail: [mayuri@jagga-inc.com](mailto:mayuri@jagga-inc.com)

TO: THE REGISTRAR OF THE  
ABOVE HONOURABLE COURT  
BRAAMFONTEIN  
e-mail: [Generaloffice@concourt.org.za](mailto:Generaloffice@concourt.org.za)

AND TO: **MABAPA ATTORNEYS INC**  
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**C/O MOKONE ATTORNEYS INC**  
10 Tillard Street, Office Number 3  
Mahikeng

L.M

Ref: MAT0015/03/2023  
PRETORIA

AND TO: STATE ATTORNEY, MAHIKENG  
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Mmabatho

e-mail: RRaletjena@justice.gov.za

L.M