

23/6/2009
NOT REPORTABLE

IN THE NORTH GAUTENG HIGH COURT, PRETORIA

(REPUBLIC OF SOUTH AFRICA)

CASE NUMBER: 25131/2008

In the matter between:

L.A. KEKANA

and

DELETE WHICHEVER IS NOT APPLICABLE	
(1) REPORTABLE: YES /NO	
(2) OF INTEREST TO OTHER JUDGES: YES /NO	APPLICANT
(3) REVISED,	
DATE	

UNITED ZEBEDIELA TAXI ASSOCIATION

1ST RESPONDENT

CAPRICORN DISTRICT TAXI ASSOCIATION

2ND RESPONDENT

REGISTRATION OF DEPARTMENT OF ROADS
& TRANSPORT FOR LIMPOPO PROVINCE

3RD RESPONDENT

JUDGMENT

[1] On 9 September 2008 I gave an order, in the Urgent Court, in terms of prayer 2 of the notice of motion, and I ordered the first respondent to pay the costs of the application.

[2] The first respondent on 23 September 2008 filed a notice in terms of Rule 49(1)(c) calling for reasons for the order. This request only came to my notice some months later at a time when I was, due to serious illness, not able to deal therewith.

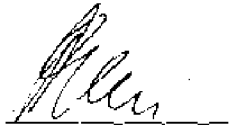
- [3] My reasons follow herewith.
- [4] The applicant is a member of the first respondent, a taxi association. According to the constitution of the Association, the object of the association is *inter alia* to promote, advance and protect the interests of its members. It is also recorded therein that members are limited to four taxis in the area of operation of the association. The applicant had two, and acquired a third. He applied for "*permission*" from the association to operate it in the associations' area of jurisdiction, or as it was put in the papers to "*place the vehicle on-line*".
- [5] It is the applicant's case, in a nutshell, that his application was not granted or that the granting thereof was delayed inordinately.
- [6] The first respondent contended that the applicant's application had not complied with its constitution because he did not submit six months' bank statements with his application. That "*requirement*" does not appear from the constitution, but from a "*policy*" document attached to the answering affidavit. The deponent on behalf erroneously referred to this document as the "*correct constitution*" which it is not.
- [7] The constitution referred to by the applicant does not authorise the issue of such a policy. I have not been given any other document which

authorises such a policy.

[8] I therefore hold that the first respondent could not in law rely on such a requirement, i.e. that six months' bank statements be submitted, and the dispute as to whether or not it was done, is irrelevant.

[9] I therefore made an order in the following terms:

- "1. That the first respondent be ordered to allow vehicle bearing registration number Logodi L online with the first respondent and that the applicant be allowed to operate said vehicle.
2. That the first respondent be ordered to pay the costs of this application."



P. ELLIS
ACTING JUDGE OF THE HIGH COURT