

REPUBLIC OF SOUTH AFRICA



IN THE HIGH COURT OF SOUTH AFRICA
LIMPOPO DIVISION, POLOKWANE

CASE NO: 250079/2025

- (1) REPORTABLE: YES/NO
(2) OF INTEREST TO THE JUDGES: YES/NO
(3) REVISED.

DATE 2026/01/05 SIGNATURE.. [REDACTED]

In the matter between:

SEKGOSESE TAXI ASSOCIATION**First Applicant****MOTHETA BEREAL ALPHEUS N.O****Second Applicant****NKOTOLANE MAROPENG ALPHEUS N. O****Third Applicant**

and

WILSON MAMOROBELA**First Respondent****SEBOLA K DAVID****Second Respondent****RAKHAKOLE MAJIYA COSTER****Third Respondent****MOTAU NURSE****Fourth Respondent**

MATHIPA GIDEON	Fifth Respondent
MOTHABENG SENABA	Sixth Respondent
MOHALE MD	Seventh Respondent
RAMAREN MOPHO	Eighth Respondent
MAPATHA M ISMAEL	Nineth Respondent
LESHABANE S ZACHARIA	Tenth Respondent
SOUTH AFRICAN NATIONAL TAXI COUNCIL	Eleventh Respondent
CAPRICORN DISTRICT TAXI COUNCIL	Twelfth Respondent
PROVINCIAL TAXI REGISTER: LIMPOPO PROVINCE	Thirteenth Respondent
DEPARTMENT OF TRANSPORT AND COMMUNITY	
SAFETY: LIMPOPO	Fourteenth Respondent
LIMPOPO PROVINCIAL REGULATORY ENTITY	Fifteenth Respondent
AFRICAN POLICE SERVICES:- LIMPOPO	Sixteenth Respondent

JUDGMENT

BURNETT, AJ**INTRODUCTION**

[1] The matter was enrolled for hearing on the urgent court roll on Tuesday, 30 December 2025.

[2] The First, Second and Third Applicants seek an interdict against the First to Tenth Respondent as follows: -

[2.1] That the First to Tenth Respondents be interdicted and restrained from operating and/or conducting, either directly or indirectly, in any or all the affairs of the First Applicant (Sekgosesa Taxi Association), including collection of fees and/or monies from the First Applicant (Sekgosesa Taxi Association), in contravention of the order of the Honourable Court on 19 November 2025.

[2.2] That the First to Tenth Respondents be interdicted from either directly or indirectly intimidating and/or advancing threats of violence or death to the Second and Third Applicants, as well as members of the Interim Committee.

[2.3] That in the event of the First to Tenth Respondents failing to comply with the order in paragraphs 2 to 3 above, the Applicants be authorized to approach this court with the same or amplified papers for an order of contempt of court and committal of the First to Tenth Respondents to prison.

[2.4] That the Sixteenth Respondent is directed to take all steps necessary to ensure that no threats of violence or intimidation are carried out against the

Second and Third Applicants, as well as the members of the Interim Committee.

- [3] There was no opposition filed on behalf of the Eleventh to the Sixteenth Respondents and neither was there any appearance on their behalf. No relief is sought against the Eleventh to the Fifteenth Respondents. Counsel appeared on behalf of the First, Second and Third Applicants as well as for the First to the Tenth Respondents and advanced oral arguments. Neither counsel filed Heads of Argument.

BACKGROUND

- [4] The applicants' papers do not give a complete history of this matter; however it appears as though there have been some governance issues within the Sekgosesse Taxi Association, which led to the suspension of its Constitution. There is no information before this court as to the reasons why the Constitution was suspended. There is an internal appeal process pending against the suspension of the Sekgosesse Taxi Association's Constitution. The status of this internal process is unknown however it resulted in the South African National Taxi Council (Santaco: Limpopo) and the Capricorn District Taxi Council intervening in the affairs of the Sekgosesse Taxi Association. An Interim Committee for the Sekgosesse Taxi Association was appointed. Save for being informed that the Second Applicant was appointed the Deputy Chairperson of the Sekgosesse Taxi Association, the Third Applicant was appointed the Secretary and Michael Leshabane was appointed the Treasurer, the court has not been provided with a full list of all the members of the Interim Committee. The exact date that the Interim Committee was appointed is

also unknown. It is, however, not in dispute that the Interim Committee was lawfully established.

[5] South African National Taxi Council (Santaco: Limpopo) and the Capricorn District Taxi Council scheduled an election for a new Executive Committee for the Sekgosesse Taxi Association for 19 November 2025. The new Executive Committee was to replace the Interim Committee. The Second and Third Applicant then launched an application against the South African National Taxi Council (Santaco: Limpopo) and the Capricorn District Taxi Council for, *inter alia*, an order to suspend the elections. The suspension would operate until the appeal against the suspension of the Sekgosesse Taxi Association's Constitution was finalised.

[6] On 19 November 2025 the Honourable Madame Justice Naude-Odendaal handed down an order, *inter alia*, as follows: -

[6.1] That the South African National Taxi Council (Santaco: Limpopo) and the Capricorn District Taxi Council are interdicted and restrained from proceeding with and/or conducting election of new members of the executive committee of the Sekgosesse Taxi Association, pending determination of the appeal on the suspension of the Sekgosesse Taxi Association's Constitution and the South African National Taxi Council (Santaco): Limpopo's Election Working Document.

[6.2] That the election of any new members of the Executive Committee of the Sekgosesse Taxi Association be and is hereby declared unlawful and illegitimate, following the suspension and non-existent of the South African

National Taxi Council (Santaco): Limpopo's Election Working Document and Sekgosese's Constitution supposed to regulate the said elections.

- [7] The South African National Taxi Council (Santaco: Limpopo) is the Eleventh Respondent in this application and the Capricorn District Taxi Council is the Twelfth Respondent. A copy of the application that gave rise to the order of 19 November 2025 has not been attached to the urgent application.
- [8] On 19 November 2025, the same day that the aforesaid order was handed down, the South African National Taxi Council (Santaco: Limpopo) and the Capricorn District Taxi Council convened the elections that were sought to be interdicted and the First to the Tenth Respondent in these proceedings were elected to the new Executive Committee of the Sekgosese Taxi Association. The Executive Committee, since their election, have been governing the Sekgosese Taxi Association.
- [9] It is unknown what time the elections were convened and if the elections were finalised before the court order was handed down. It is also unknown whether the application of 19 November 2025 was served on the South African National Taxi Council (Santaco: Limpopo) and Capricorn District Taxi Council, and if so whether they opposed the application and appeared in court on that day. All this would become important in contempt proceedings, if such proceedings were to be launched against the South African National Taxi Council (Santaco: Limpopo) and Capricorn District Taxi.

- [10] The order was served on the South African National Taxi Council (Santaco: Limpopo), the Executive Committee of the Sekgosese and on the First to Tenth Respondent, by the Sheriff of the Court on 8 December 2025. The Second and Third Applicants contend that the court order dated 19 November 2025 was brought to the attention of the Respondents that same day, however there is no evidence of this attached to the founding affidavit.
- [11] The Third Applicant alleges that he has received threats of violence from an unknown person. Threats have also been received by another member of the Interim Committee, namely Michael Leshabane. The Second and Third Applicants suspect that the threats emanated from the First to the Tenth Respondent and more particularly, from the Third Respondent.
- [12] The First to the Tenth Respondent dispute, *inter alia*, that the First, Second and Third Applicant's authority to launch these proceedings. They also submit that the requirements to obtain an interdict have not been met by the First, Second and Third Applicants.

LEGAL QUESTIONS

- [13] Is the First Applicant properly before this court?
- [14] Do the Second and Third Applicants have the *locus standi* to launch the application on behalf of the First Applicant?
- [15] If the answer to the above questions is in the affirmative, have the First, Second and Third Applicants met the requirements to obtain an interdict, namely: -

- [15.1] There must be a clear right, which right has been violated.
- [15.2] The violation of the right has caused harm to the bearer of the right, or harm to the bearer is imminent.
- [15.3] There is no other remedy available to the bearer of the right.

ANALYSIS

- [16] Normally, a Taxi Association would be governed by its Constitution. The Constitution would regulate, *inter alia*, the appointment of committee members and how they must govern the association. However, in this case, the Constitution of the Sekgosesa Taxi Association has been suspended. As stated previously, the exact date of the suspension and the reason therefore is unknown, however there is an internal appeal process pending in relation thereto. It can be assumed that the Executive Committee was also dissolved when the Constitution was suspended, hence the need for an Interim Committee.
- [17] It is not in dispute that the Interim Committee was properly formed by the South African National Taxi Council (Santaco: Limpopo) and the Capricorn District Taxi Council in absence of a valid constitution on their own. It is thus not necessary for the court to delve further into this.
- [18] The Second Respondent deposed to the Founding Affidavit on behalf of himself as well as the First and Third Respondents. The Third Respondent has deposed to a Confirmatory Affidavit in support of the Founding Affidavit. The Second Respondent states in the Founding Affidavit that: -

"I am duly authorized to depose to the affidavit by virtue of the resolution taken by the executive committee of the First Applicant annexed hereto and marked "SEKTA 1".

[19] The Resolution attached to the Founding Affidavit and marked "SEKTA 1" is titled "RESOLUTION OF THE SEKGOSESE TAXI ASSOCIATION TAKEN AT A MEETING HELD ON THE DECEMBER 2025." In terms of the resolution, the Interim Committee resolved, *inter alia*, to launch this application and it authorises the Deputy Chairperson of the Association to depose to sign and depose to the affidavits in respect thereof. The Second Respondent is the Deputy Chairperson.

[20] The First to the Tenth Respondents contend that the Resolution is invalid because when the elections took place on 19 November 2025 and a new Executive Committee was formed that day, it automatically dissolved the Interim Committee to which the Second and Third Respondents were members of. The Second and Third Applicant contend that the new Executive Committee is unlawful because of paragraph 3 of the order which states: -

"That the election of any new members of the executive committee of the Sekgosesese Taxi Association be and is hereby declared unlawful and illegitimate, following the suspension and non-existent of the South African National Taxi Council (Santaco): Limpopo's Election Working Document and Sekgosesese's Constitution supposed to regulate the said elections."

[21] The wording of the order is clear and unequivocal. The election of any new members to the executive committee as of 19 November 2025 is unlawful and illegitimate. This means that the new Executive Committee that was elected on 19 November 2025, and any members subsequent thereto, is **automatically** unlawful and illegitimate and accordingly it could not have dissolved the Interim Committee.

- [22] This is further exacerbated by the fact that it is not in dispute that court order of 19 November 2025 is valid. There does not appear to be an application for the rescission of the judgment, nor an appeal thereto. The *dies* for filing either of these has expired. In absence of an application for rescission or an appeal, it is deemed that the South African National Taxi Council (Santaco: Limpopo) and Capricorn District Taxi Council accepted the court order. This means that they accept that they may not proceed with conducting any elections of new members of the executive committee for the Sekgosesa Taxi Association for the time being, and that the election of a new committee as of 19 November 2025 is unlawful and such committee would be illegitimate. The First to the Tenth Respondent argues that the order is ambiguous. To the extent that any interested party deemed the order to be vague or ambiguous, a duty rested on the alleging party to bring the application for the variation thereof. The First to Tenth Respondent have not done that. That being said, and in any event, I cannot agree that the order is vague or ambiguous, on the contrary, it is very clear.
- [23] The First to the Tenth Respondents also contend that they were not parties to the proceedings which emanated in the order dated 19 November 2025 and thus it is not enforceable against them. This is not correct because the source of the elections, or the convenor of the elections, were South African National Taxi Council (Santaco: Limpopo) and Capricorn District Taxi Council. The First to the Tenth Respondents were appointed because the South African National Taxi Council (Santaco: Limpopo) and Capricorn District Taxi Council convened an unlawful election. The elections were unlawful from the start and thus the result following therefrom was also unlawful.

- [24] There is no evidence that the court order was served on the South African National Taxi Council (Santaco: Limpopo) and Capricorn District Taxi Council before 4 December 2025. This would only have a bearing on the matter if the order only contained relief pertaining to the interdict, namely: -

“That the South African National Taxi Council (Santaco: Limpopo) and the Capricorn District Taxi Council are interdicted and restrained from proceeding with and/or conducting election of new members of the executive committee of the Sekgosesse Taxi Association, pending determination of the appeal on the suspension of the Sekgosesse Taxi Association’s Constitution and the South African National Taxi Council (Santaco): Limpopo’s Election Working Document.”

- [25] If the order only contained the above prayer, the South African National Taxi Council (Santaco: Limpopo) and Capricorn District Taxi Council would only have been interdicted and restrained from convening elections as at the date that the order came to their knowledge, which appears to be on the date that it was served, being 8 December 2025. The saving grace for the Applicants is that the court order also catered for a scenario that the elections had already been held, in which event those elections are automatically deemed to be unlawful and illegitimate. It is thus irrelevant that the court order only came to the First to the Tenth Respondents’ attention on 8 December 2025.

- [26] The Interim Committee was entitled to convene a meeting on 19 December 2025 and pass the resolution referred to as Annexure “SEKTA 1”. In the Replying Affidavit deposed to by the Second Applicant, the Second Applicant confirms that a quorum was present at the meeting which gave rise to the resolution being reached. The Third Applicant has attested to this via a Confirmatory Affidavit attached to the Replying Affidavit. There is nothing before this court to indicate that the Second and Respondent are not being truthful that a quorum was present at the meeting. It is

not common practice for all the members present at the meeting to sign a resolution. It is sufficient for the chairperson and the secretary of an organization to sign it.

[27] I am satisfied that the First Applicant, i.e. the Sekgosese Taxi Association, is properly before this court and that the Second Applicant was properly authorized to sign the affidavits before this court. A current committee member will always be an interested party. The Second and Third Applicants, as committee members, albeit interim committee members, are interested parties to the proceedings and do accordingly have the necessary *locus standi* to be joined as parties to the proceedings.

[28] The First, Second and Third Applicants have established a clear right. The Association is a juristic person acting on behalf of its members, which members have a right to proper governance by a lawfully appointed committee. The Second and Third Respondents are lawfully appointed members of an Interim Committee and have a right to govern the First Applicant along with its other committee members. The First to the Tenth Respondents have violated these rights by constituting an unlawful Executive Committee and attempting to govern the First Applicant. The First to the Tenth Respondent are effectively attempting to oust the Interim Committee members, including the Second and Third Applicant from their duties.

[29] The First to the Tenth Respondents contend that the First, Second and Third Applicants will not suffer any harm if the interdict is not granted, however if they are interdicted from governing the First Applicant (the Sekgosese Taxi Association), the First Applicant's operation would become paralyzed. This argument cannot be

accepted because there is an Interim Committee that will govern for the time being. There is nothing before this court to suggest that the Interim Committee will not fulfil their duties. The mere fact that a new Executive Committee has been constituted unlawfully and conducts operations in contravention to a court order is harmful. The violation of a court order is harmful to the rule of law.

[30] There is no alternative remedy available to the First, Second and Third Applicants. The First to the Tenth Respondent states that there are adequate alternative remedies available to the Applicants, including internal dispute resolution mechanisms, review proceedings and declaratory relief. The Respondents do not expand on these forms of relief nor explain how the Applicants can utilise these remedies having regard to the order that has already been handed down on 19 November 2025.

[31] There is no evidence before this court that First to the Tenth Respondents have made any threats to any members of the Applicant or the Second and Third Respondents and accordingly are not entitled to the relief that they seek in terms thereof.

[32] If the First to the Tenth Respondents refuse to recognise and abide by this order, as with the order of 19 November 2025, they have an automatic right to approach the court for an order holding them in contempt of court. It is thus not necessary for this court to grant an order in accordance with prayer 4 of the Notice of Motion.

[33] The First to the Tenth Respondents have refused to recognise and abide by the court order dated 19 November 2015. Applications involving a disregard for court

orders are by their very nature urgent because it affects the rule of law. A society that is allowed to disregard court orders is a society in disarray. The members of the First Applicant, including committee members, deserve to be regulated lawfully and any unlawful governance can cause disorder.

[34] In respect of the costs of the application; costs must follow the result.

ORDER

[35] I accordingly make the following order: -

[35.1] That the rules of the above Honourable Court pertaining to forms, service and time periods be condoned and/or dispensed with, and the matter be heard as one of urgency in terms of Rule 6 (12).

[35.2] That the First to the Tenth Respondents be interdicted and restrained from operating and/or conducting, either directly or indirectly, any or all the affairs of the First Applicant, including collection of fees and/or monies from members of the First Applicant, in accordance with the order dated 19 November 2025.

[34.3] That the First to the Tenth Respondents be ordered to pay the costs of the application on an attorney and client scale, with counsel's costs on Scale C.


BURNETT, E J
ACTING JUDGE OF THE HIGH COURT,
POLOKWANE; LIMPOPO DIVISION

APPEARANCES

FOR THE APPLICANT: - ADV. R MASIPA

INSTRUCTED BY: - MOKGOBU ATTORNEYS

FOR THE RESPONDENTS:- ADV. L NKOANA

INSTRUCTED BY:- N.J MORERO INC. ATTORNEYS

DATE OF HEARING: - 30 DECEMBER 2025

DATE OF JUDGMENT: - 5 JANUARY 2026