



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

Not Reportable

CASE NO: 2026/019102

In the matter between:

RAMONO PILANE LINCHWE

APPLICANT

**PREMIER OF THE NORTH WEST
PROVINCE**

FIRST RESPONDENT

MOLEFE JOHN NYALALA PILANE

SECOND RESPONDENT

**MEC: COOPERATIVE GOVERNANCE,
HUMAN SETTLEMENT & TRADITIONAL
AFFAIRS**

THIRD RESPONDENT

**CHAIRMAN OF THE NORTH WEST
HOUSE OF TRADITIONAL LEADERS**

FOURTH RESPONDENT

BAKGATLA BAKGAFELA ROYAL FAMILY

FIFTH RESPONDENT

Coram: Petersen ADJP
Date enrolled: 20 February 2026
Date Heard: 25 February 2026
Judgment reserved: 25 February 2026

Delivered: This judgment was handed down electronically, circulated to the parties' representatives via email, uploaded to CaseLines, and released to SAFLII. The date and time for the handing down of the judgment are deemed to be 12h30 on 25 February 2026.

Summary: Urgent application for review and setting aside of the Premier's decision to withdraw the applicant's certificate of recognition – simultaneous challenge to the reinstatement and recognition of the second respondent as Kgosi of the Bakgatla Ba Kgafela – application precipitated by the Supreme Court of Appeal judgment in *Pilane & Others v Premier of the North West Province & Others* [2025] ZASCA 126 – point in limine regarding premature review under Section 5 of the Promotion of Administrative Justice Act 3 of 2000 (PAJA) – applicant sought to bypass the 90-day statutory period for the provision of reasons – finding that the Premier acted in compliance with a superior court order – SCA held that only the Royal Family in Moruleng, within the North West Province, possesses statutory authority to resolve succession disputes – reliance on resolutions from the Royal Family in Mochudi, Botswana, deemed unlawful and extra-territorial – threshold of urgency not met as any perceived urgency was self-created by the failure to exhaust internal and statutory procedures – application struck from the roll for lack of urgency – costs awarded against the applicant.

JUDGMENT

PETERSEN ADJP:

Introduction

[1] This is an urgent application in which the applicant, Ramono Pilane Linchwe, seeks to review and set aside the first respondent's (the Premier's) decision to withdraw his certificate of recognition as Kgosi of the Bakgatla Ba Kgafela. The applicant further seeks to set aside the Premier's decision to recognize the second respondent, Molefe John Nyalala Pilane, as the Kgosi.

[2] The matter comes before this Court following a significant legal history, culminating in a judgment delivered by the Supreme Court of Appeal (SCA) on 09 September 2025.

The judgment of the Supreme Court of Appeal of 09 September 2025

[3] In *Pilane & Others v Premier of the North West Province & Others* (035/2024) [2025] ZASCA 126, the SCA overturned a previous decision of this Division. The SCA made several critical findings that form the bedrock of the current dispute. The Premier's original decision to withdraw the recognition certificate of Kgosi Nyalala Pilane (the current second respondent) was unlawful because it was based on a resolution from the Royal Family in Mochudi, Botswana. The SCA held that in terms of Section 14 of the North West Traditional

Leadership and Governance Act 2 of 2005 (the North West Act), only the Royal Family in Moruleng, located within the North West Province, has the authority to remove or recommend the removal of a Kgosi. The court further found that the Premier acted unlawfully in issuing the current applicant, Mr. Linchwe, with a certificate of recognition as an interim or acting Kgosi, as there was no vacancy to be filled once the second respondent's removal was set aside.

Urgency

[4] The applicant advanced the following grounds in support of the prayer for urgency. The withdrawal of his certificate and the reinstatement of the second respondent would create a 'leadership vacuum' and lead to administrative chaos within the Bakgatla Ba Kgafela Traditional Council. The immediate cessation of his salary and benefits as Kgosi would cause him irreparable financial harm. That allowing the second respondent to resume duties violates the traditional customs of the tribal community as purportedly determined by the Royal Family. The applicant alleged that the community is 'on a knife-edge' and that the Premier's decision would trigger volatility and potential violence.

[5] I have carefully considered these grounds against the backdrop of the SCA judgment and the answering affidavits filed by the respondents. The SCA judgment was delivered on 09 September 2025. It unequivocally declared the applicant's appointment as interim Kgosi unlawful. To my mind the argument that the applicant was issued a certificate recognising him as the permanent Kgosi, which should impact the judgment of the SCA, does not avail the applicant. The applicant has known since the SCA judgment that his legal tenure was terminal.

[6] Furthermore, the applicant requested reasons from the Premier on 15 January 2026. Under Section 5 of the Promotion of Administrative Justice Act 3

of 2000 (PAJA), the Premier has 90 days to respond. By launching this application in February 2026, and at the very least removing it from the urgent roll twice before proceeding with the application before this Court at the third reenrolment thereof, speaks volumes of the lack of urgency of the matter. The applicant has deliberately bypassed the statutory process. Any urgency arising from a lack of ‘reasons’ is therefore self-created and premature.

[7] The applicant’s contention that a leadership vacuum exists is legally flawed. The SCA specifically held that because the removal of the second respondent was unlawful, there was never a legal vacancy to be filled. The ‘instability’ the applicant fears is, in fact, the restoration of the lawful status quo as ordered by a superior court. There can be no urgency in attempting to prevent the lawful execution of a court order. This argument is further self-destructive when considering the long-standing history of the litigation for the throne of Kgosi.

[8] As to the applicant’s complaint about his loss of income, it is a well-established principle in our law that financial loss or the loss of a salary does not, in and of itself, establish urgency. Such loss can be remedied through a claim for damages or back-pay in due course if the review is ultimately successful. It does not meet the threshold of ‘irreparable harm’.

[9] The allegations of potential civil unrest and community volatility are thin on evidence and largely speculative. The applicant failed to provide any concrete proof that such unrest is imminent or that it is directly linked to the administrative acts of the Premier in complying with the SCA order. This Court cannot grant urgency based on vague assertions of social instability and reliance on authority from the Eastern Cape, where the facts are distinguishable.

[10] The applicant's reliance on 'traditional lineage' and the resolutions of the Royal Family in Botswana was the very basis upon which the SCA overturned his appointment. The SCA held that the Premier has no authority to act on resolutions from the Royal Family in Mochudi, Botswana, regarding the leadership of a community in Moruleng, South Africa. To claim urgency on the basis of protecting a 'lineage' that a superior court has already deemed irrelevant to the statutory recognition process is an abuse of the court's process.

[11] In the final result, the applicant's claims on urgency based in the main of the disruption to the traditional leadership is trumped by the fact that he has jumped the queue since the Premier is still within the 90-day period during which the Premier may provide reasons for the administrative action.

[12] Furthermore, the 'urgency' is arguably self-created by the applicant's unreserved refusal to acknowledge the binding nature of the SCA judgment, which he seeks to interpret to favour his case. The SCA has already pronounced that the applicant's recognition as interim Kgosi was unlawful. There can be no urgency in attempting to maintain a status quo that a superior court has already declared invalid.

[13] In passing, and not specifically impacting the question of urgency, is that the North West Act and the SCA's interpretation thereof are clear. The Royal Family in Moruleng is the only body with the statutory recognition to recommend leadership changes. The SCA found that the Premier's previous reliance on the Mochudi Royal Family's resolutions was an extra-territorial misapplication of the law. The second respondent holds a valid certificate of recognition issued following the SCA's reinstatement of his position. To interdict his exercise of duties or to review the Premier's compliance with the SCA would, as the

respondent argues, effectively require this Court to overrule the Supreme Court of Appeal, which this Court cannot do.

Conclusion

[14] The application is premature under Section 5 of PAJA. The applicant has failed to establish a basis for urgency that outweighs the statutory procedures and the necessity of complying with the SCA order. The matter must, therefore, be struck from the roll for lack of urgency.

Costs

[15] The applicant's appetite for continued litigation in the face of the unambiguous SCA judgment and seeking to jump the queue with a meritless urgent application must be censured with a cost order at the highest scale of Rule 67A.

Order

[16] In the result, I make the following order:

1. The application is struck from the roll for lack of urgency.
2. The applicant is ordered to pay the costs of the Respondents on Scale C of Rule 67A.



**ACTING DEPUTY JUDGE PRESIDENT OF THE HIGH COURT
NORTH WEST DIVISION, MAHIKENG**

Appearances:

For the Applicant: Adv A T Muthunzi
Instructed by: A Mashila Inc
c/o RS Tau Attorneys
Mafikeng

For the Respondent: Adv K Mongale
Instructed by: The State Attorney
Mmabatho