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**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA**

CASE NO: 2026/062861

- (1) REPORTABLE: **NO**
(2) OF INTEREST TO OTHER JUDGES: **NO**
(3) REVISED.
(4) Date: 13 April 2026
Signature:

In the matter between:

JOSEPHINE TSELANE TSOKU

First Applicant

SHEILAH DAMARIES TSOKU

Second Applicant

and

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

First Respondent

MUNICIPAL MANAGER: CITY OF TSHWANE

Second Respondent

METROPOLITAN MUNICIPALITY

JUDGMENT

NYATHI J

INTRODUCTION

1. This is an urgent application in which the applicants seek relief arising from the disconnection of electricity supply to the residential premises situated at **2[...] I[...] Street, Andeon Extension 3[..], Pretoria.**
2. The applicants seek, in substance:
 - condonation for non-compliance with the Rules;
 - a declaration that the disconnection of electricity was unlawful;
 - an order directing the respondents to restore electricity supply;
 - an interdict restraining future disconnection without due process; and
 - costs on an attorney-and-client scale.
3. The respondents oppose the application, contending that the disconnection was lawful, authorised by the City of Tshwane Standard Electricity Supply By-Laws, and justified by alleged tampering with the prepaid electricity meter.

URGENCY

4. The electricity supply to the applicants' home was disconnected on **5 March 2026**. The application was launched on **18 March 2026** and set down for hearing on **31 March 2026**.

5. The applicants set out, in considerable detail, the steps taken immediately after the disconnection to resolve the matter internally, including attending municipal offices and engaging attorneys. These efforts culminated in correspondence dated **10 March 2026**, to which no meaningful response was forthcoming.
6. Electricity is an essential basic service. The applicants reside at the premises with minor children. The deprivation of electricity impacts dignity, safety, health, food security and personal security.
7. The test on urgency is whether the applicants can obtain substantial redress in due course if the matter were to proceed in the ordinary course. In the context of the persistent deprivation of an essential service, the answer must plainly be **no**.
8. I am satisfied that the urgency is **genuine and not self-created**.¹ Non-compliance with the Rules is accordingly condoned and the matter is properly before this Court as one of urgency.

FACTUAL BACKGROUND

9. The second applicant is the registered owner of the property. The first applicant occupies the property together with minor children.
10. On 5 March 2026 municipal officials attended at the premises and disconnected the electricity supply by removing the prepaid meter.
11. The applicants deny any tampering with the meter, aver that the meter box is outside their yard and controlled by the municipality, and rely on the existence of a lawful solar installation to explain reduced electricity consumption.

¹ See *Nelson Mandela Metropolitan Municipality v Greyvenouw* CC 2004 (2) SA 81 (SE).

12. The respondents allege that during an inspection conducted as part of an enforcement initiative, tampering was discovered in the form of a bypass or bridge, justifying immediate disconnection without notice in terms of the by-laws.
13. A dispute thus arises as to whether the respondents had **prima facie evidence of tampering** sufficient to justify summary disconnection, and whether due process was followed.

ISSUES FOR DETERMINATION

14. The issues that arise are:

14.1 Whether the respondents had lawful authority to disconnect electricity supply without prior notice;

14.2 Whether the respondents established prima facie evidence of meter tampering;

14.3 Whether the disconnection complied with principles of legality and procedural fairness; and

14.4 Whether the applicants are entitled to the relief sought.

THE APPLICABLE LEGAL PRINCIPLES

15. Municipalities are empowered, and indeed obliged, to prevent illegal electricity connections and to enforce compliance with by-laws. However, the exercise of such power constitutes **administrative action** and must comply with the Constitution, the principle of legality, and applicable statutory requirements.
16. Even where by-laws permit immediate disconnection without notice, the existence of **prima facie evidence** justifying such drastic action is a jurisdictional fact.
17. Self-help by an organ of state is impermissible. Courts have consistently held that municipalities may not unilaterally deprive residents of basic services absent lawful justification and fair procedure.
18. Where factual disputes arise in motion proceedings, the version of the respondent prevails only if it is bona fide, supported by objective evidence, and not so untenable that it can be rejected on the papers.

EVALUATION

Prima Facie Evidence of Tampering

19. The respondents rely primarily on photographs, a job card, and confirmatory affidavits from municipal officials.
20. While photographs are attached, they are not accompanied by sufficient contextual evidence establishing:
- when, how, and by whom the alleged tampering occurred;
 - that the applicants had access or control over the meter installation; or

- that the condition observed could not reasonably be attributable to other causes.

21. The applicants' version that the meter box is locked and controlled by the municipality is not meaningfully disputed.

22. In addition, the evidence reveals that **initial explanations provided to the applicant related to low consumption**, with meter tampering being raised thereafter. This lends weight to the applicants' contention that the tampering allegation emerged as an ex post facto justification.

23. On the papers before Court, I am **not satisfied** that the respondents established reliable prima facie proof of tampering sufficient to justify immediate disconnection without prior notice.

Procedural Fairness

24. It is common cause that **no pre-termination notice** was issued prior to disconnection. Any notice furnished was provided **after** the electricity had already been disconnected.

25. Even where by-laws authorise immediate action, such power must be exercised rationally and proportionately. The wholesale removal of electricity supply to a household with minor children, in circumstances where evidence of wrongdoing is disputed, demands careful procedural safeguards.

26. The respondents' conduct amounts to a form of **self-help**, which the rule of law does not tolerate.

FINAL INTERDICT

27. The respondents argued that a final interdict impermissibly restrains statutory powers. That submission is misplaced.

28. The relief sought does not prevent the respondents from enforcing the law. It restrains only **unlawful disconnection without due process**. Lawful enforcement remains open to the respondents, subject to compliance with constitutional and legal requirements.

COSTS

29. The applicants sought a punitive costs order. While the respondents' conduct was heavy-handed, I am not persuaded that it rises to the exceptional threshold required for attorney-and-client costs.

30. Costs should follow the result on the ordinary party-and-party scale.

ORDER

31. In the result, the following order is made:

32. Non-compliance by the applicants with the Rules of Court relating to form, service and time periods is condoned, and the matter is heard as one of urgency.

33. The decision and conduct of the first and second respondents in disconnecting the electricity supply to the premises situated at **2[...] I[...] Street, Andeon Extension 3[...], Pretoria** are declared **unlawful**.

34. The first and second respondents are ordered to **restore electricity supply** to the said premises **within 24 hours** of service of this order.
35. The respondents are interdicted and restrained from disconnecting electricity supply to the said premises **without following due process and without lawful justification**.
36. The respondents shall pay the costs of this application, jointly and severally, on the **party-and-party scale B**.

J.S. NYATHI
Judge of the High Court
Gauteng Division, Pretoria

Date of hearing: 01 April 2026

Date of Judgment: 13 April 2026

Appearances:

On behalf of the Applicants: Adv. MG Skhosana

Attorneys for the Applicants: Moela Attorneys Inc.

On behalf of the Respondents: Adv. K Bokaba

Attorneys for the Respondent: Marivate Attorneys.

Delivery: This judgment was handed down electronically by circulation to the parties' legal representatives by email and uploaded on the CaseLines electronic platform. The date for hand-down is deemed to be 13 April 2026.