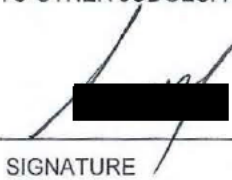


REPUBLIC OF SOUTH AFRICA



IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, JOHANNESBURG

Case Number: 2026-111342

(1)	REPORTABLE: NO
(2)	OF INTEREST TO OTHER JUDGES: NO
(3)	REVISED: NO
<u>18 May 2026</u>	
DATE	SIGNATURE

In the matter between:

MOGOMOTSI SELLO

First Applicant

DOREEN DAVIDS

Second Applicant

ANDREW MBALISO

Third Applicant

PHINDANI TABIWA

Fourth Applicant

BELLA LIPHUTHING

Fifth Applicant

IPELEGENG KOBOYANKWE

Sixth Applicant

GLADYS KHOZA

Seventh Applicant

INATHI MBIYO

Eighth Applicant

MORAPEDIMACHAKELA

Ninth Applicant

PARKS MANANISO

Tenth Applicant

DUDUZILE MBALULA

Eleventh Applicant

SABELO DINGISWAYO

Twelfth Applicant

DITEKO MOREOTSENYE

Thirteenth Applicant

ERIC NGWANA

Fourteenth Applicant

DISEBO TABANE

Fifteenth Applicant

and

**SECRETARY GENERAL OF THE
AFRICAN NATIONAL CONGRESS**

First Respondent

**AFRICAN NATIONAL CONGRESS
GAUTENG PROVINCIAL TASK TEAM**

Second Respondent

JUDGMENT

CARELSE, AJ

- [1] This is an urgent application concerning the West Rand Regional Conference of the African National Congress scheduled for 18-20 May 2026.

- [2] The matter was enrolled by the applicants for a hearing on Sunday, 17 May 2026 on an extremely urgent basis. The application was issued and served by email on the evening of Friday, 15 May 2026 at 20:36. In terms of the timetable unilaterally imposed by the applicants in the Notice of Motion, the respondents were effectively afforded less than 24 hours within which to deliver answering affidavits in a matter involving extensive papers, multiple internal disputes, verification reports and prior litigation.

- [3] The respondents nevertheless delivered an answering affidavit on Sunday, 17 May 2026. At the request of the applicants, I afforded them an opportunity to deliver a replying affidavit and postponed the matter from Sunday, 17 May 2026, to Monday, 18 May 2026, at 14h00 for argument.

- [4] During argument, counsel for the applicants confirmed that the applicants, under Part A, persisted only with prayer 2 of the Notice of Motion, namely an order interdicting the commencement and/or continuation of the conference pending the determination of internal disputes and contemplated review proceedings.
- [5] Counsel for the applicants further disavowed reliance on the declaratory component contained in prayer 2 of the notice of Motion. The applicants accordingly ultimately sought only interdictory relief from me.
- [6] Having considered the papers, the heads of argument and the submissions made by counsel, I am satisfied that the application falls to be struck from the roll for lack of urgency.
- [7] The chronology is dispositive.
- [8] The applicants' complaints concerning branch disputes, BGMs, verification processes and organisational irregularities are not recent. These disputes existed before the conference dates were finally confirmed.
- [9] The applicants allege that on 19 April 2026, the REC met and discussed, amongst other things, disputes relating to QR codes, branch packages, branch disputes and conference readiness, and that the REC concluded that the region was not ready for conference.
- [10] The applicants further allege that a "final verification report" had already been issued on 12 April 2026 and that certain BGMs thereafter took place outside the prescribed timelines.
- [11] On 5 May 2026, the first respondent issued a directive recording that the region had attained the threshold and directing that the conference proceed within the period 17–22 May 2026.
- [12] The applicants, therefore, apart from their knowledge of the said disputes, knew, at least by 5 May 2026, that the conference would imminently proceed.
- [13] The Certificate of Urgency further records that the applicants decided to approach the Court after receiving directives authorising the conference process

to proceed. The Certificate also records that a decision was taken on 6 May 2026 to challenge the matter in court and consult attorneys, although during argument it was suggested that this may have been a typographical error. The date nevertheless appears twice in the Certificate.

[14] Despite all of this, the present application was launched only on Friday evening, 15 May 2026 on severely truncated time periods.

[15] The answering affidavit also reveals that prior urgent applications had already been instituted concerning the convening of the ANC West Rand Regional Conference and related complaints.

[16] The respondents further allege that there is substantial overlap between the applicants and confirmatory affidavits relied upon in the various applications and that the same attorneys acted throughout.

[17] In addition, the respondents allege that the second applicant, Ms Doreen Davids, denied under oath that she had authorised the present proceedings.

[18] I do not make definitive findings on those disputes. They do, however, reinforce the respondents' contention that the applicants had ample opportunity earlier to approach the Court regarding substantially the same complaints concerning the conference process.

[19] The respondents correctly submitted that the applicants had days, and not mere hours, within which properly to approach the Court. The applicants' contention that the trigger date/event for urgency was the correspondence from the first respondent on 14 and 15 May 2026 cannot, in light of the chronology set out above, be sustained.

[20] In my view, the urgency was materially self-created.

[21] I am furthermore not persuaded that the applicants will not obtain substantial redress at a hearing in due course. The applicants have available internal remedies through the NDRCA process. In addition, the Part B review proceedings provide an adequate remedy, including the possibility of appropriate relief should the applicants ultimately succeed. If necessary, the applicants may

also seek an expedited hearing in due course to address their fears of the consequences of a delay.

[22] There is a further difficulty.

[23] By the time argument was ultimately heard on Monday, 18 May 2026, the conference had already commenced. Counsel informed me that elections to the so-called "Top 5" positions had already taken place.

[24] The position in which the matter now finds itself is substantially a consequence of the applicants' own delay in launching proceedings on Friday evening, despite having known for some time that the conference would proceed during the relevant May conference window and thereafter seeking an opportunity to file a replying affidavit, which in itself did not materially advance the applicants' case.

[25] The relief pursued before me is interdictory in nature and directed at preventing the commencement and/or continuation of the conference. That relief has now, to a substantial extent, been overtaken by events.

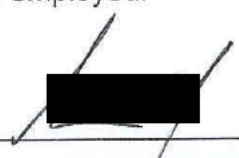
[26] What now remains is, at most, a challenge to the validity of decisions already taken at conference and conference outcomes generally, which is properly a matter for review proceedings. It is also unclear from the papers what exactly will be done at the conference over the remaining two days that needs to be interdicted.

[27] It is well recognised that courts do not ordinarily determine issues that have become abstract or academic and where no practical and effective relief can be granted. While mootness is not an absolute bar in all circumstances, this Court must nevertheless consider whether practical and effective relief remains available in the form presently sought.

[28] In the circumstances of this matter, I am not persuaded that it is appropriate to continue determining the matter as though the conference had not already commenced and substantial decisions had not already been taken.

[29] In the result, the following order is made:

- a. The application is struck from the roll for lack of urgency.
- b. The applicants, save for those who did not authorise this application in their names, are ordered, jointly and severally, to pay the respondents' costs on scale C, including the costs of two counsel where so employed.


C CARELSE AJ
JUDGE OF THE HIGH COURT
JOHANNESBURG

Date of hearing: 18 May 2026

Date of judgment: 18 May 2026

For the applicants: M Ramaili SC, assisted by M Mabona
instructed by TM Mdaka Attorneys

For the respondents: T Ngcukaitobi SC, assisted by Adv N Qwabe and SB Nxumalo
Instructed by Mashele Attorneys Inc.