

IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, PRETORIA)

CASE NO.: 40978/2020

In the matter between:

TSHWANE MONEY MATTERS CAUCUS
ALAS! TSHWANE

First Applicant
Second Applicant

VS

CITY OF TSHWANE
METROPOLITAN MUNICIPALITY

First Respondent

NAWA, Mpho Kebitsamang N.O.

Second Respondent

MUTLANENG, Masabata N.O.

Third Respondent

THE MEMBER OF THE EXECUTIVE COUNCIL FOR
THE GAUTENG DEPARTMENT OF COOPERATIVE
GOVERNANCE AND TRADITIONAL AFFAIRS

Fourth Respondent

THE MINISTER FOR CO-OPERATIVE
GOVERNANCE & TRADITIONAL AFFAIRS

Fifth Respondent

NOTICE IN TERMS OF RULE 16A

PLEASE TAKE NOTICE that the applicants raise constitutional issues in this matter.

PLEASE TAKE FURTHER NOTICE that a summary of the constitutional issues raised are the following:

1. The applicants contend that the second respondent, who was appointed in terms of section 139(1)(c) of the Constitution, by the fourth respondent, exceeded his powers, by adopting a 2020 valuation roll, budgets and rates and tariffs based thereon, by adopting or revising policies and bylaws, and charging municipal rates and taxes based thereon. The applicants contend that the second respondent so acted in contravention of the spirit and contents of the Constitution in particular of sections 1, 139, 152 and/or 160 of the Constitution.
2. The relevant resolution of the second respondent is annexed to the founding affidavit as annexure "**LEX XVIII (A)**".
3. The applicants contend that, if the second respondent was duly appointed, his appointment was only valid for 90 days after which his appointment terminated, by virtue of the provisions of section 159(2) of the Constitution read with section 139 thereof.
4. The applicants contend that the aforesaid valuation roll and the adoption of the budget rates, tariffs, policies and bylaws by the second respondent, are unlawful and invalid and should be set aside by virtue of non-compliance with publication, notice, public inspection, public participation and access to information requirements contained in *inter alia* one or more of:

- 4.1 Sections 32 and 162 of the Constitution;
 - 4.2 Sections 13, 23, 48, 49 and 50 of the Local Government: Municipal Property Rates Act 6 of 2004;
 - 4.3 Section 21A and 21B of the Municipal Systems Act.
5. As such it is contended that the valuation roll and all budgets, rates and tariffs based thereon, and the implementation thereof, are unconstitutional, invalid and should be set aside / reviewed and set aside / interdicted.
6. The applicants request relief as set out in the notice of motion.

Signed at PRETORIA on this 21st day of AUGUST 2020.

 Mr D Swanepoel
 SWANEPOEL & SWANEPOEL
 ATTORNEYS
 Attorneys for the Applicants
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AND

TO: The Registrar
 North Gauteng High Court
 The High Court Building
 Cnr Paul Kruger & Madiba Streets
 Pretoria

Please place the notice on the notice board and deal therewith as required in rule 16A.

TO: The First Respondent
 City of Tshwane Metropolitan Municipality
 Second Floor, East Wing, Tshwane House
 Cnr Madiba & Lilian Ngoyi Streets
 Pretoria
 Email: citymanager@tshwane.gov.za;
MseMaluleke@justice.gov.za

TO: The Second Respondent
 Mr. Mpho Nawa N.O.
 The Administrator,
 City of Tshwane Metropolitan Municipality,
 Second Floor, East Wing, Tshwane House,
 Cnr. Madiba & Lilian Ngoyi Streets
 Pretoria
 Email: citymanager@tshwane.gov.za;
MseMaluleke@justice.gov.za

TO: The Third Respondent
 Mr. Masabata Mutlaneng N.O.,
 The Municipal Manager,
 City of Tshwane Metropolitan Municipality,
 Second Floor, East Wing, Tshwane House,
 Cnr. Madiba & Lilian Ngoyi Streets
 Pretoria
 Email: citymanager@tshwane.gov.za;
MseMaluleke@justice.gov.za

TO: The Fourth Respondent
 The MEC: Co-Operative Governance & Traditional Affairs (Gauteng),
 Mr. Lebogang Maile,
 c/o State Attorney,
 10th Floor, North State Building
 95 Market Street, Pretoria
 Email: HMaponya@justice.gov.za

MseMaluleke@justice.gov.za

TO: The Fifth Respondent
The Minister: Co-operative Governance & Traditional Affairs
c/o State Attorney
10th Floor, North State Building
95 Market Street, Pretoria
Email: HMaponya@justice.gov.za
MseMaluleke@justice.gov.za