

**IN THE HIGH COURT OF SOUTH AFRICA
EASTERN CAPE DIVISION, MTHATHA**

CASE NO: 1880 /2025

In the matter between:

E-HESINI LOCALITY	1st Applicant
NOMTHA THWANE	2nd Applicant
NO-ANDILE GIGI	3rd Applicant
NCEDISWA JALISA	4th Applicant
THOZAMA JALISA	5th Applicant
CELISWA ZIDE	6th Applicant
DALIWONGA GIGI	7th Applicant
MABOLINA JALISA	8th Applicant
MALIZO JALISA	9th Applicant

THE REGISTRAR OF THE HIGH COURT
OF SOUTH AFRICA

22 APR 2025

PRIVATE BAG X5017, MTHATHA, 5099
CIVIL SECTION NO 3
EASTERN CAPE DIVISION: MTHATHA

And

DR. A.B XUMA LOCAL MUNICIPALITY	1st Respondent
MUNICIPAL MANAGER, DR A.B. XUMA LOCAL MUNICIPALITY	2nd Respondent

NOTICE OF MOTION

KINDLY TAKE NOTICE THAT the applicants intend to make an application to the above Honourable Court on date to be arranged with the Registrar or so soon thereafter as Counsel may be heard for an order in the following terms:

1. That the Respondent be ordered and directed to repair, fix, re-surface and do whatever may be necessary to restore to good condition the **E-Hesini** access road from where it joins **MR00715**, at or near Elityeni Lomthwa to the Applicants' Community.
2. That the Respondent be ordered to commence with steps, in compliance with paragraph 1 above, within 90 days from the date of the order, and fully comply with paragraph 1 within 180 days from the date of the order.
3. That, should the Respondent fail to comply with the time periods mentioned in paragraph 2 above, Respondent should report to the above Honourable Court and set out fully the steps taken to secure compliance with paragraph 1 above and provide full explanation, to the satisfaction of the above Honourable Court, on any extended time period requested by the Respondent, within which to comply with paragraph 1 above.
4. That the Respondent be ordered to pay costs of this application.

BE PLEASED TO TAKE NOTICE FURTHER THAT the Affidavit of **Nomtha Thwane** together with annexures hereto where applicable and also the Confirmatory Affidavits deposed to by **No-Andile Gigi, Ncediswa Jalisa, Thozama Jalisa, Celiswa Zide, Daliwonga Gigi, Mabolina Jalisa and Malizo Jalisa** shall be used in support of this application.

BE PLEASED TO TAKE NOTICE FURTHER THAT the Applicant has approached the Attorneys **T.A. NKELE & SONS INC**, with offices are situated at **No. 56 Wesley**

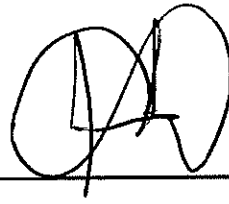
No. 56 Wesley Street, Mthatha, as the address where service of all notices and further process shall be accepted.

BE PLEASED TO TAKE NOTICE FURTHER THAT should the Respondent herein desire to oppose the granting of the Orders sought herein, the Respondent shall:

- (a) Within fifteen (15) days of receipt of this Notice of Motion or any amendments thereto, deliver a notice to the Applicant indicating their Intention to Oppose the proceedings initiated hereby, and shall in such notice appoint an address, within eight kilometres of the office of the Registrar of the above Honourable Court, at which they will accept all notices and service of further processes in these proceedings; and
- (b) Within 15 (fifteen) days of the expiry of the time frame referred to in Rule 6(5) (d) (iii) of the rules of the above Honourable Court, deliver any affidavits it may desire in answer to the allegations made by the Applicant.

BE PLEASED TO TAKE NOTICE FURTHER THAT, if no Notice to Oppose is delivered within the stipulated time frame, the application will be enrolled for hearing as an unopposed application on a date to be arranged with Registrar of the above Court and an order shall be sought for the grant of the relief referred to above.

DATED AND SIGNED AT MTHATHA ON THIS 15TH DAY OF APRIL 2025



T.A. NKELE & SONS INC.

Applicants' Attorneys

No. 56 Wesley Street

Mthatha

Tel: 047-531 0731

Email: nkele.convey@yahoo.co.za

Ref: TAN*I01897/nm/HC

To: THE REGISTRAR OF THE HIGH COURT
Eastern Cape
MTHATHA

AND TO: The Municipal Manager
1st Respondent
58 UNION STREET
NGCOBO

AND TO: The Municipal Manager
2nd Respondent
58 UNION STREET
NGCOBO

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And

DR. A.B XUMA LOCAL MUNICIPALITY

1st Respondent

MUNICIPAL MANAGER, DR A.B. XUMA LOCAL

MUNICIPALITY

2nd Respondent

FOUNDING AFFIDAVIT

I, the undersigned,

NOMTHA THWANE

do hereby make oath and say:

1. I am an adult female person appointed as the headman of E-Hesini and Kwa-

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Nomyayi Locality Upper Mnyolo Administrative Area, Engcobo.

2. The applicants reside in the E-Hesini Locality which falls under Ward Councillor Mrs Mzuku. In order not to overburden these papers with Confirmatory Affidavits, I annexed "NT1" a list of residents who support this application and which I could find for their signatures prior to the issuing of this application.
3. Save where otherwise, or where the contrary appears from the context, the facts deposed to herein fall within my personal knowledge and I believe them to be true and correct.
4. Where I make submissions of a legal nature, I do so on the advice of the applicant's Legal Representatives, which advice I accept as correct. Similarly, where I rely on information received from others, I do so verily believe same to be true and correct.
5. In this application, the applicant seeks an order directing the respondents to construct the E-Hesini Locality access road.
6. The applicants live in the E-Hesini Locality which is under Ward Councillor Mzuku. These localities are rural areas in which indigent and marginalised people live.
7. These communities have limited amenities and have to access Ngcobo Town, which is nearest to them for all government services via a grossly dilapidated access road that is an eyesore and difficult to navigate as it has

not been constructed since the dawn of democracy.

8. The only roads the residents of the applicants use to access Ngcobo Town is the E-Hesini Locality access road which goes through the locality. That road is such that the bakkies that the residents use as their transport to Ngcobo Town have great difficulty navigating through the many potholes that the road is riddled with. In fact, it has never been constructed at all and the little of what looks like a Road which is the work of the community members.
9. The E-Hesini access road is a road which is about 10 kilometres which runs from the applicant community to join the main road that runs from R61 National Road at Coghlan Junction at Montgomery, near Ugie. The main Gravel Road is described as **MR00715**. The access road starts from Elityeni Lomthwa Junction to the Applicants' community.
10. The E-Hesini Locality is situated near the Khovothi and Khovothana Forests, at the Banks of Mnyolo River, Mkhonkotha Administrative Area, Upper Mnyolo.
11. Furthermore, the valley itself when it rains collects the rainwater and deposits it to the Mnyolo River which makes the soil on that road muddy and which proceeds to cause soil erosion.
12. The situation becomes worse during summer season where there is heavy rainfall, and the road becomes very slippery and the residents of E-Hesini Locality cannot access town through vehicles and have to walk kilometres

to a faraway village whose roads are accessible to transport.

13. There is no drainage of the storm water and as result, when it is raining there is flooding and this causes more damage to the road surface, as the soil on the Road erodes.
14. At times it is better to drive outside the trafficable portion of the road. This is very risky and hazardous as that portion of the road is more slippery when it is raining, and even such areas have become dilapidated as they also have not been maintained properly and are also eroding as indicated in the pictures annexed hereto marked "NT2".
15. In view of these struggles and hardships experienced, by the community since the dawn of the democracy the applicants have been forced to turn to this Court for assistance.

THE PARTIES

THE APPLICANTS:

- 15.1. The applicants are the concerned residents of the E-Hesini Locality, Ngcobo. The residents are a large number of impoverished people who have no resources to bring this application on their own behalf.
- 15.2. It was, therefore, neither practical nor expedient for each of them to make individual applications to claim the basic benefit sought in this application or for them to be joined as individual parties in this application. The applicants are members of a previously disadvantaged community that had no access road before the advent of democracy.

15.3. On the 16 January 2024, a meeting of the applicants was called at E-Hesini Locality, and it resolved that a Court application should be launched, asking for the relief as set out in the Notice of Motion to which this affidavit is attached.

15.4. Pursuant thereto, applicants agreed to institute the present legal proceedings and nominated me to institute these proceedings on their behalf, whereafter I appointed the present Legal Representatives of record. The list of the attendance registrar of that meeting is attached hereto marked "NT3".

16. **THE RESPONDENTS:**

16.1. The 1st Respondents are **Dr AB Xuma Local Municipality (formerly Ngcobo Local Municipality)** established in Terms of Sections 151 and 155 of the Constitution of the Republic of South Africa and in terms of Local Government: Municipal Systems Act 117 of 1998 and the Municipal Manager. The Local Municipality forms part of the Chris Hani District Municipality which has offices in Komani.

16.2. The 1st Respondent is the local sphere of Government which is at the coalface and is a legal and constitutional duty bearer to deliver the basic services to the indigent communities such as the applicants.

16.3. The 2nd Respondent is **The Municipal Manager, DR. A. B XUMA Local Municipality**; an employee of the 1st Respondent cited herein in his

official capacity as the person responsible for all actions of the employees of the 1st Respondent performed during the course and scope of their employment with the 1st Respondent are performed timeously and diligently.

17. The access road that is the subject of this litigation is the responsibility of the respondents and falls under its area of jurisdiction.

18. **STANDING**

18.1. The applicants bring this application on their own behalf in terms of Section 38(a) of the Constitution and on behalf of the entire members of the E-Hesini Locality in terms of Section 38(c) of the Constitution. The application has also been launched in the public interest in terms of Section 38(d) of the Constitution and in the interest of the residents of Greater E-Hesini Locality.

18.2. The applicants' rights to health, free economic activity to education, to name but a few, are severely hampered by the condition of the road.

19. **NATURE OF THE APPLICATION**

19.1. This is an application for an order compelling the respondents to construct and do whatever it is necessary to make sure that the E- Hesini Locality has an access road that is in a good condition.

20. The application is basically to assert the community's right to have a well-

maintained access road and the respondents' legal and constitutional obligation to deliver a basic service to the applicants, such as the access road.

FACTUAL BACKGROUND

21. The broader community affected by this application is situated approximately 55 kilometres from Ngcobo at the foot of a mountain that leads to Zabasa and Sinqumeni Administrative Areas. The geography of the area is decorated by hills and valleys, rivers and mountains.
22. Prior to coming into existence of the demographic government in 1994, to date, the community has had no access road.
23. Many requests by the community to have the access road constructed fell on deaf ears on the part of the respondents until the community threatened not to vote in the Local Government elections.
24. It is sad to state that to date the community has no access road and, currently, vehicles using it have to sometimes resort to travelling outside the trafficable portion of the road so as to avoid the mammoth potholes and dongas created by floods on the its surface of the self-made road.
25. Currently the self-made access road is in a serious state of disrepair and, to be exact, it is no longer proper to call it a road as it is no longer functional and is so pothole ridden that it is not even possible to dodge certain of the potholes because by doing so another pothole will be driven through. Vehicles driving on that road are sometimes forced to drive at the edge or

outside the trafficable portion, literally outside the road.

26. The applicants are severely affected by the condition of the road in respect of their livelihood and their businesses and their shopping for daily necessities which they normally conduct at Ngcobo Town.
27. In addition, thereto, the road poses a danger to the applicants as road users and it is a threat to their lives and livelihood.

STEPS TAKEN PRIOR TO LITIGATION

28. Complaints have been lodged with various councillors since then but nothing has changed. Councillor Mzuku is aware of the bad condition of this road as the applicants have always complained about it whenever they had an opportunity to raise it with him, as was the case with his predecessors.
29. Currently the Councillor is Mrs Mzuku and she is aware of the deplorable condition of the access road and, in any event, he hails from a neighbouring locality and is therefore well aware of the plight of the applicants complained about in this application. Furthermore, he has had an occasion to visit our community via the very same access road and has therefore had an opportunity to observe the bad state it is in for himself.
30. The community is very disappointed that the officials have not reverted and advised when the grievances will be addressed and how, in order for them to at least be consoled that they have been heard and that something will

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be done.

31. When travelling on that road in such a condition, the members of the applicant have to endure a bumpy ride even if one is sick and/or the owners of the motor vehicles that regularly utilise it have to bear the brunt of high maintenance costs and repairs. This is what is currently occurring whilst the condition of the access road is left unattended and is in such a bad state of disrepair.
32. Due to the bad condition of the self-made access road the applicants experience great hardship in trying to access Ngcobo Town where they do their shopping for daily necessities, access banking services and to work. Their lives are literally being cut off from their source of income and other amenities and that is unbearable.
33. It is no exaggeration that large stretches of the road have become impassable to the extent that motor vehicles using it have to travel outside the road where it is less treacherous to drive as is indicated in the pictures annexed hereto marked "NT4 to "NT8".
34. After waiting for a lengthy period of time for the respondents' officials to revert with feedback, the applicants decided to convene a meeting so as to implement the way forward.
35. The meeting was held on the 16th January 2024 and at that meeting it was resolved that an application should be launched with this Honourable Court so as to compel the respondents to comply with its constitutional and

statutory obligation to construction access road for the community. A copy of the community resolution and minutes are attached above marked "NT9".

36. Following on that resolution, the present Legal Representatives were instructed to address a Statutory Notice and a letter of demand to the respondents. I am advised that such a letter dated 31st January 2024 was hand delivered at the offices of the respondents on 9 February 2024. A copy of that Statutory Notice and letter of demand is attached hereto marked "NT10".

37. Since sending the letter of demand we received a response that has been very unsatisfactory to the furtherance of our basic human rights, in the letter the respondents basically states that we cannot demand that our Local Municipality attend to our grievances of the dilapidating state that our access roads are in. The Respondent's response is annexed hereto marked "NT11".

38. The response from the respondent's is inconsiderate and insensitive to the challenges we face and insinuates that we do not have the right to demand our constitutionally entrenched rights or demand that the respondent comply with their legal and constitutional obligations.

39. The letter has further shown the respondent's unwillingness to attend to the struggles faced by the residents of E-Hesini Community and as such has caused the residents to be disenchanted further from thinking that the municipality will attend to our grievance.



THE CONDITION OF THE ROAD DEPICTED IN PHOTOGRAPHS OF THE ROAD SURFACE

40. The surface of the road is in such a bad and deplorable state. It is so pothole riddled that driving on it is treacherous and it is difficult to avoid the numerous potholes that fill the entire stretch of the E-Hesini Locality self-made access road.
41. This proves that the road was never constructed in the community. The end result is that when it rains the road becomes slippery and this makes driving on it difficult and dangerous.
42. The situation of the road has been made worse and exacerbated by the constant rain that occurred during the entire festive season, and still continues from time to time. Potholes have widened and the surface further eroded to make the road even rougher as there are even more holes and dongas created by the floods. To make matters worse is that the potholes store the rainwater which contributes more to the damage of the road.
43. At a certain point as the residents of E-Hesini Locality attempted to fix the road out our own pockets, that helped for a while until the concrete also started eroding again.

THE CONDITION OF THE DRAINAGE PIPES

44. Another problem with the drainage system is that there are no pipes to

control the flow of water which it rains. The end result is that the water floods the road surface and causes further damage to the surface.

45. Due to inadequate drainage system some parts of the road have been damaged by water and as such that part of the road is always muddy and is subjected to erosion which is eating away under the concrete slab which was built by the residents of E-Hesini Locality to allow that part of the road to accessible.
46. Due to the deplorable state and condition of the self-made access road it is even difficult for an ambulance to fetch a patient in our locality in the case of an emergency and even the local clinics suffer greatly as the Department of Health has difficulty in delivering medical supplies.
47. The same goes for schools in the area, where delivery of school necessities and travelling to and from schools is made difficult due to the state of the road, on during rainy seasons the children cannot attend school for days because their scholar transport cannot pick them up due to the state that the road is in.
48. The community experiences the same problem when an emergency situation arises and the police have been called to attend to a situation. The Police take time in responding because the state of the road makes it difficult and if it is raining then they are not able to respond at all.

LEGAL FRAMEWORK

49. In terms of the provisions of Section 152(1)(b) of the Constitution of the

Republic of South Africa Act 108 of 1998 (the Constitution), I am advised and I verily believe that the respondents are accorded with an extended mandate that obliges them to provide services to the applicants, as the communities under its jurisdiction, in a sustainable manner.

50. I am also advised, and I verily believe, that Section 156 of the Constitution sets out the powers and functions of municipalities and in particular Part B of Schedule 5 which refers to municipal roads. In terms thereof, I am advised, the construction, upkeep and maintenance of access road is the executive function of the respondent.
51. It is therefore my respectful submission that the respondents, as the constitutional duty bearers, have the responsibility to carry out the obligation and responsibility imposed upon them by virtue of the provisions of Section 156 of the Constitution by resurfacing and maintaining the road so as to keep it in a good condition.
52. I am further advised, and I verily believe, that in terms of the provisions of Section 83(1) of Local Government: Municipal Structures Act No.117 of 1998, ***"a municipality has the functions and powers assigned to it in terms of Sections 156 and 229 of the Constitution."***
53. I am further advised that Section 184(2) of the Structures Act provides that ***"a Local Municipality has the functions and powers referred to in Section 83(1) ..."***. Section 84(1)(f) has been made applicable to Local Municipalities and it provides that ***"Municipal roads which form an integral part of a road transport system for the area of the district municipality as a whole."***

54. The applicants have nowhere else to turn to except this Honourable Court to grant the order sought in the notice of motion against the respondents.
55. In the light of the statutory provision alluded to in the preceding paragraph, I submit that, in addition to the constitutional obligation, the respondents are also statutorily obliged to keep the road in a good and proper condition.
56. It is my respectful submission that the respondents have dismally failed to discharge the constitutional and statutory obligation imposed upon it by the Constitution of the Republic of South Africa and the Municipal Structures Act, the governing legislation.

CONCLUSION

57. It is my respectful submission that the applicants have made out a case in support of the relief sought in the notice of motion and that it may please the above Honourable Court to grant an order sought in the Notice of Motion prefixed hereto.

AN
DEPONENT

I hereby certify that the deponent has acknowledged to me that he knows and understands the contents of this affidavit, which was signed and sworn to before me at MTATHA on this 14TH day of APRIL 2025, and that the terms of Regulations R1258 and R1648 of 21 July 1972 and 19 August 1977, respectively, have been complied with.

SANGO MAVUSO
Practising Attorney
Commissioner of Oaths
43 Wesley Street
MTATHA
EASTERN CAPE
COMMISSIONER OF OATHS

16-01-2024

ATTENDANCE REGISTER.

1. Northa	TAWARA	ATA
2. Randile	Gigi	N
3. Nediswa	Jalisa	X
4. Thozama	Jalisa	TS
5. Coliwe	Zide	CS
6. Baluwanga	Gigi	G
7. Mabolime	Jalisa	MS
8. Maling	Jalisa	ND
9. Bokwane	MSHLOANE	MSHLOANE
10. Mphahlele	Thuma	M
11. Zaka	Gigi	CS
12. Ntombi	Jalisa	TV
13. Makhatho	Jalisa	M Jalisa
14. Mkhaya	Gigi	M
15. Mkhaya	Jalisa	M
16. Mndagano	matlala	N
17. Tsoke Zile	Thuma	TA
18. Luthale	Thuma	T
19. Siyosonga	TAWARA	S.
20. Mkhathandile	Gigi	HA
21. Siyosonga	Gigi	S
22. Mphahleli	Gigi	M
23. Mkhato	Gigi	M
24. Mkhatho	Gigi	N
25. Luthale	Thuma	L Thuma
26. Mkhatho	Thuma	TV
27. Mkhatho	Gigi	MS
28. Mkhatho	Mkhatho	MA
29. Mkhatho	Mkhatho	MA

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30. Fikule	T34EQANO	AK
31. Nshikalelo	GG	N
32 Pihile	Thuma	P
33 Mhlangengaba	Jalisa	M
34. Mokuwa	Thapane	N
35 Sibetazi	GG	GG
36 Phisoa	gigi	P
37 Senalimane	Jalisa	St.
38 Phisoa	Jalisa	N
39 Mhlangaba	Mphalala	N
40. Sentiso	Mphalala	St
41. Sigabo	Jalisa	SI
42 Mshikalelo	Jalisa	St
43 Vaya	Mphalala	St
44. Mlangisa	Jalisa	M
45 Luthando	Jalisa	L
46. Leyiso	MPSHEWANE	St
41 MPONDO ZEPHLO	JALISA	M
42 Zhandi	Gigi	Thapane
43, Mabuti	Gigi	Me

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L.O.

"NT3"

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ATTENDANCE

REGISTER

1. Nonthe	THWANE	ATT
2. Nandile	Ggi	N
3. Nediwa	Isisa	X
4. Thozama	Isisa	TS
5. Celiso	Zile	CS
6. Balamanga	Ggi	B
7. Moolina	Isisa	MS
8. Maling	Isisa	MA
9. Fekwane	THWANE	THWANE
10. Mphahlele	Thwana	M
11. Caka	Ggi	CS
12. Ntombi	Isisa	NP
13. Mkhosana	Isisa	N Isisa
14. Mthaya	Ggi	NP
15. Mkhosi	Isisa	M
16. Mkhosi	Isisa	N
17. Mkhosi	Thwana	TA
18. Mkhosi	Thwana	T
19. Siyoseng	Thwana	S
20. Ntombi	Ggi	THWANE
21. Siyoseng	Ggi	S
22. Mphahlele	Ggi	M
23. Mkhosi	Ggi	NP
24. Mkhosi	Ggi	N
25. Mkhosi	Thwana	L Thwana
26. Mkhosi	Thwana	NP
27. Mkhosi	Ggi	MS
28. Mkhosi	Thwana	M.A
29. Mkhosi	Thwana	THWANE

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30. Athule	TBHELANE	AK
31. Nshikolelo	SG	N
32. Philele	Thuma	F
33. Mhlangengaba	Jalisa	n
34. Mokuwa	Dagone	N
35. Sibetzi	SG	SG
36. Phuma	Gigi	FG
37. Simalimane	Jalisa	SG
38. Phuma ka	Jalisa	n
39. Phumanga	Mphalala	N
40. Sontia	Mphalala	SG
41. Sigabo	Jalisa	SG
42. Mntikolelo	Jalisa	SG
43. Vaya	Mphalala	SG
44. Mlangisi	Jalisa	SG
45. Luthando	Jalisa	L
46. Leyiso	MPHEWANE	SG
47. Mpondo Zephelo	Jalisa	SG
48. Zhandi	Gug	SG
49. Mabuti	SG	Me

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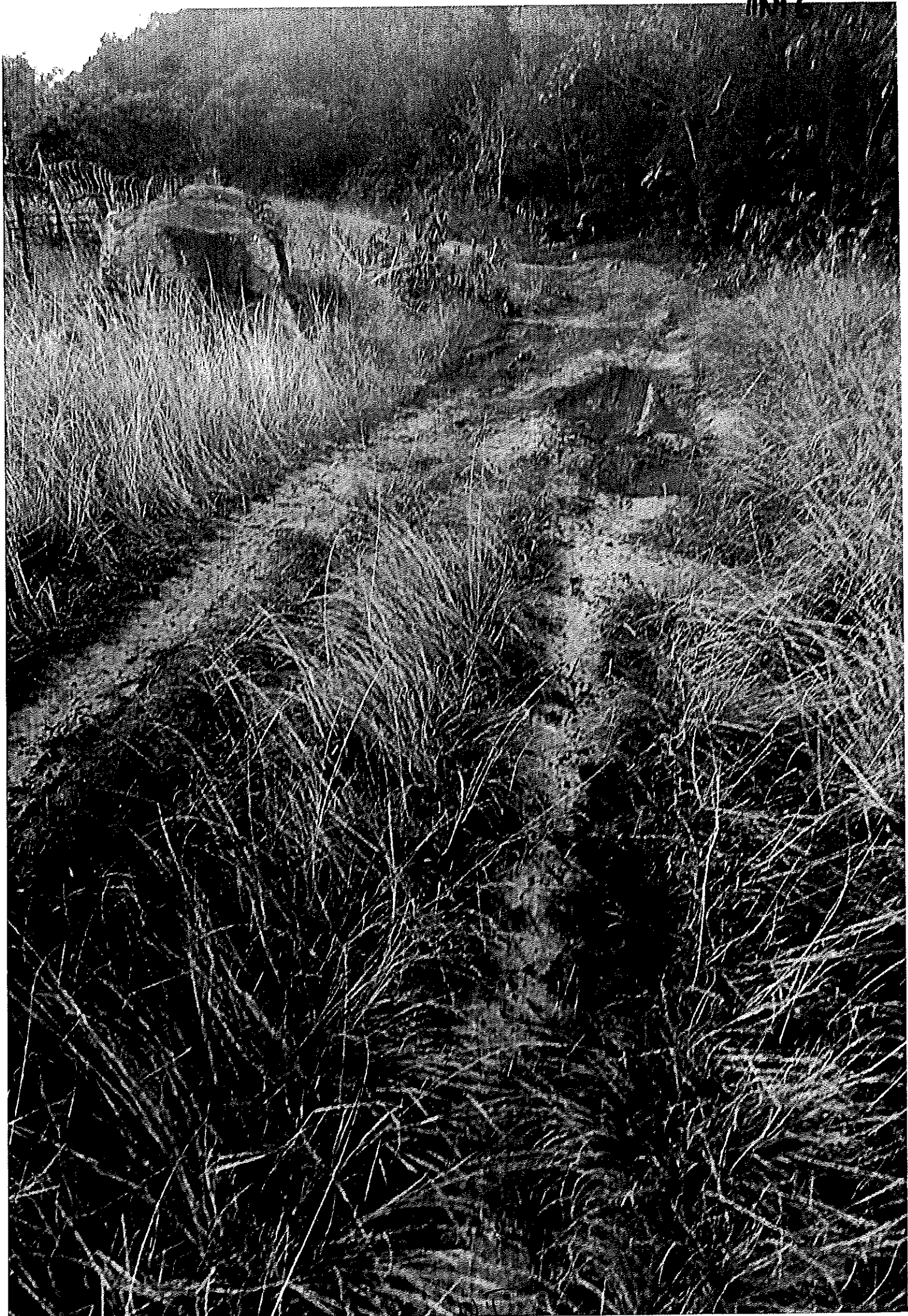
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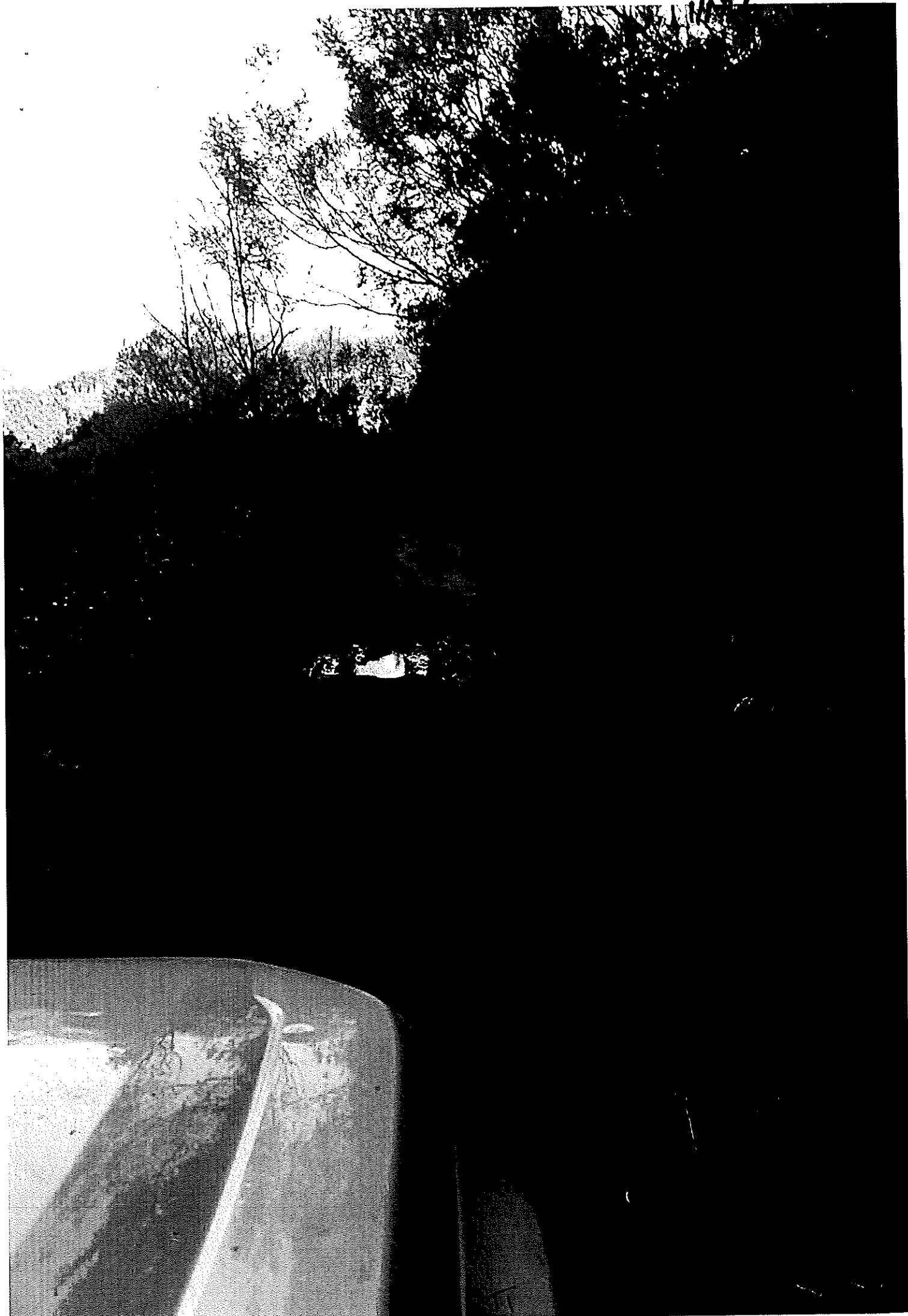
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20.

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INTLANGANISO KOMKHULU

UNTOH

AGENDA:

1. UMBANE

2. IMITHI

3. AMANZI

4. INDLELA

5. IBLOKHO

6. R.D.P. HOUSES

intlanganiso iqulelwe ngomkhandango ngutata
umqizo

kugalelwe ngezinqengxezo kungxengxazelwe
umosolli akabumeleli ngenxa yemphilo

kuphakame uThandi esicacisele ngombu
wombane esithi umaxangu okuwayelile

UIndeminent energy kunangoku akakaveli
kaswika esingye isithelwi sathu

ukuba asithathi amanyathelo ngoku

soze siwufumane umbane

uSolwana uhe makugqithelwe kumba

olandelayo ngoba oko sithetha nomasipa

ake siHoyanga

uNandlezana uhe zonke ezizinto

sithetha ngazo kudala sithetha

ngazo uBhulumente akezenzi

kugqithelwe kumba wemithi

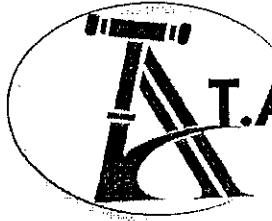
kusakume umabuthi wathi asisahlami

sigalamba ngenxa yemithi esuka

kwi plantation kabhulumente

NIT h.v.

ngoku Lonto xa sikhala akasiboyi
 Sithuni
 kugqitywe ekubeni makujongwe
 ilebo ehlasikwulula kulengxaki
 sijongene mayo sigqithwa nazizindlu ezi ze R.D.P
 kusukume umpondo zophela esithi
 kufuwaneni ngebloko ngoba izikolo
 zikuna abantu abe imilambo inamanzi
 kusukume ulolo esithi zonke ezizinto
 azizuphenduleka ngaphandle kokuba
 sikhengele indawo enosobuzela
 ukuba singabephi thuna
 kusukume uzanethemba esithi mayivelwe
 lentlanganisano ngoba zonke ezizinto
 sithetha ngazo azizuphendulwa
 kwagqitywe ekubeni mayivelwe
 inkanganisano
 Intlanganisano ivelwe ngumama
 uNogcuwe ngomthandazo



T.A. NKELE & SONS INCORPORATED

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Email: nkele.convey@mweb.co.za
Website: www.nkeleandsonsattorneys.co.za

Please quote our reference numbers when replying

OUR REF: TAN*WT-IO17/H/C

YOUR REF:

31st January 2024

TO: The Municipal Manager
Dr. A.B Xuma Local Municipality
58 Union Street
Ngcobo

"ATT: M.M Lucky Mulawudzi"

"Per Hand"

Dear Sir

RE: STATUTORY NOTICE IN TERMS OF THE INSTITUTION OF LEGAL PROCEEDINGS AGAINST CERTAIN ORGANS OF THE STATE ACT NO. 40 OF 2002/ LETTER OF DEMAND: CLIENTS: E-HESINI AND KUNOMYAYI COMMUNITY RESIDENTS, UPPER MNYOLO ADMINISTRATIVE AREA, NGCOBO DISTRICT: FAILURE OF THE MUNICIPALITY TO REHABILITATE ACCESS ROAD LINKING THE COMMUNITIES TO BE IN A GOOD STATE.

We act for and on the instructions of the above-mentioned community in this matter.

Director: Thembelani Attwell Nkele B. Proc, LLB - (UNITRA), P G. Dip. Labour Law - (UJ) P.G. Dip. Draft & Interp. Contracts (UJ)
Professional Assist: Lusapho Mfeya (LLB - WSU)
Professional Assist: Wanda Taliwe (LLB - WSU)
Candidate Attorney: Lwandile Madolo (LLB - UFH)
Candidate Attorney: Samkelisiwe Nangamso Malibeni (LLB-WSU)

DR AB XUMA LOCAL MUNICIPALITY
P.O. Box 24, NGCOBO, 5050

09 FEB 2024 - 12:47

CORPORATE SERVICES

Signature: *M. S. N. N. N.*

NT LV.

Clients advised us that to access Ngcobo and Ugie Towns they use an unconstructed footpath from their community across the Mnyolo river to join the main road at Elityeni Lomthwa junction. The footpaths run from their locality to join the main gravel road from Ugie town and lead to R61 National Road at Nkondlo junction.

We are instructed that they never had an access Roads constructed by the Ngcobo Local Municipality currently known as "Dr A.B Xuma Local Municipality".

In the recent floods tragedy struck in the community of Ku- Nomyayi in that two people, belonging to the Jalisa family, drowned while trying to cross the dangerous Mnyolo river. The third one of the same family, was lucky to survive.

The situation has been made worse by the recent floods, brought about by the extreme weather conditions recently experienced.

We are further advised that long before the recent floods, the Municipality has been approached, on several occasions to construct the Roads, promises to do so were made and non-were fulfilled. Again, on the eve of the 2021 Local Government elections the Municipal Officials and ANC officials, during their election campaign, attended E-hesini and Kunomyayi localities and surrounding areas and promised to construct the access Roads. However, that promise has not been made good yet.

Literally the condition of the footpath Road is such that the residents of the above-mentioned community are having great difficulty in having access to Ngcobo Town where they do their shopping for daily necessities and others are working there. Their lives of being cut-off from their source of income and amenities of life is unbearable, especially in this day and age where citizens have constitutionally entrenched rights. The cost of living for the residents of the above-mentioned communities has suddenly become very expensive beyond their means. This is because by the high travelling costs to Ngcobo Town and the costs of repairing the vehicles damaged by the difficulty they experience in accessing the main gravel Road.



Director: Thembelani Attwell Nkele B. Proc, LLB - (UNITRA), P G. Dip. Labour Law - (UJ) P.G. Dip. Draft & Interp. Contracts (UJ)
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Professional Assist: Wanda Taliwe (LLB - WSU)
Candidate Attorney: Lwandle Madoto (LLB - UFH)
Candidate Attorney- Samkellswe Nangamso Malibeni (LLB-WSU)

Clients contend that the Dr. A.B Xuma Municipality has, in terms of the Municipal Systems Act 32 of 2000, an obligation to provide services to the Local community in a financially and environmentally sustainable manner. That obligation is reinforced by the obligation to provide socio-economic rights in terms of the constitution and that is pertinent to the provision of proper access roads by the Dr. A B Xuma Local Municipality.

Further, clients contend, the overall aim of that socio-economic right is primarily to assist the poor communities, such as our clients, by protecting and advancing their social and economic interests. The basic rights entrenched in the constitution are a commitment of the new constitutional order to address the legacy of poverty, unemployment and inequality left by apartheid. Therefore, we are instructed that the Municipality, as an organ of the state, is duty bound to respect, protect, promote and fulfil those rights.

We are further instructed that the Municipality should make sure that the rights enjoyed by the communities to use roads that are in a good condition and well maintained, should have been protected by making sure that legislative, administrative and budgetary measures are taken to construct very good access Road.

In breach of its statutory duty and constitutional obligation the Municipality has failed to construct and access Roads that are in a good condition even after tragedy caused by the recent floods. The above-mentioned communities and their residents are adversely and prejudicially affected by the failure of the Municipality to perform what the constitution and the Municipal Systems Act mandate it to do.

The affected communities hold the Dr. A B Xuma Municipality responsible for the dismissal failure to construct access roads, which connect them to the main road leading to Ugie and Ngcobo Towns.

In the circumstances our instructions are to demand, as we hereby do, that the Municipality construct the access Roads, within Thirty (30) days from the date of delivery of this letter, failing which legal proceedings will be instituted against the Municipality without further notice. The proceedings will be instituted to make the Municipality accountable for failing to perform its obligation in terms of the constitution and the governing legislation.

Director: Thembelani Attwell Nkele B. Proc, LLB - (UNITRA), P G. Dip. Labour Law - (UJ) P.G. Dip. Draft & Interp. Contracts (UJ)
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Professional Assist: Wanda Taliwe (LLB - WSU)
Candidate Attorney: Lwandle Madolo (LLB - UFH)
Candidate Attorney- Samkellisiwe Nangamso Malibeni (LLB-WSU)

NT L.v.

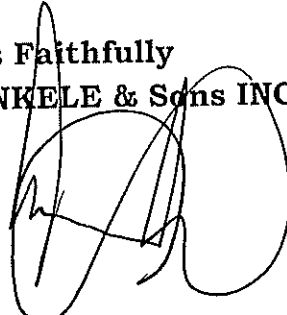
Kindly take notice that this letter serves as a statutory notice as provided for in terms of the Institution of Legal Proceedings against Certain Organs of the State Act.

We sincerely hope that it will not be necessary to embark in such a drastic and costly step of litigation.

Yours Faithfully

T.A. NKELE & Sons INC

PER/



Director: Thembelani Attwell Nkele B. Proc, LLB - (UNITRA), P G. Dip. Labour Law - (UJ) P.G. Dip. Draft & Interp. Contracts (UJ)
Professional Assist: Lusapho Mfeya (LLB - WSU)
Professional Assist: Wanda Tallwe (LLB - WSU)
Candidate Attorney: Lwandile Madolo (LLB - UFH)
Candidate Attorney- Samkelisiwe Nangamso Malibeni (LLB-WSU)

N.T L.W

"INTI"



MAKHANDA

51A Hill Street, P.O. Box 268, Makhanda 6139

GQEBERHA

106 Park Drive, Office 2B, 2nd floor, St. George's Park,
Gqeberha, 6001

Tel 046 622 7209, Fax 086 548 8709

WhatsApp 063 365 9437

E-mail MICHELLE NELL – michelle@noltesmit.co.za

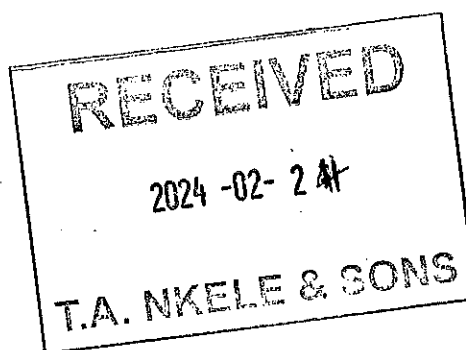
VAT no: 47 8025 8481

Our Ref: FRANS SMIT/DRA3/0013/MN

Your Ref: TAN*WT-I017/H/C

21 February 2024

T A NKELE & SONS INCORPORATED
P O BOX 101
MTHATHA
5099



"Sent per email"

Dear Sir / Madam,

RE: E-HESINI & KUNOMYAYI COMMUNITY RESIDENTS // DR AB XUMA LOCAL MUNICIPALITY

We have been instructed by the Dr AB Xuma Local Municipality to acknowledge receipt of your letter of 31 January 2024 concerning the subject matter.

The contents of your letter are under investigation and upon receipt of a technical report from our client, a response will be formulated.

We undertake to revert by 8 March 2024 and we request that you refrain from proceeding with litigation so that the matter can be attended to.

Kindly acknowledge receipt hereof.

Yours faithfully



NOLTE SMIT INC.

NT LM.

**IN THE HIGH COURT OF SOUTH AFRICA
(EASTERN CAPE DIVISION- MTHATHA)**

CASE NO: /2025

In the matter between:

EHESINI AND KUNOMYAYI LOCALITIES	1st Applicant
NOMTHA THWANE	2nd Applicant
NO-ANDILE GIGI	3rd Applicant
NCEDISWA JALISA	4th Applicant
THOZAMA JALISA	5th Applicant
CELISWA ZIDE	6th Applicant
DALIWONGA GIGI	7th Applicant
MABOLINA JALISA	8th Applicant
AND	
DR. AB XUMA LOCAL MUNICIPALITY	1st Respondent
THE MUNICIPAL MANAGER	2nd Respondent

CONFIRMATORY AFFIDAVIT

I, the undersigned,

NO-ANDILE GIGI,

do hereby state under oath and say:

1. I am an adult female person of **E-Hesini and Kwa-Nomyayi Locality Upper Mnyolo Administrative Area, Engcobo.**

1. The facts deposed to herein are with my personal knowledge and are both true and correct.
2. I confirm that I have read the Founding Affidavit deposed to by **Nomtha Thwane** and wish to confirm that:
 - 2.1. The E- Hesini main gravel road is described as **MR00715**. The access road starts from Elityeni Lomthwa Junction to the Applicants' Community.
 - 2.2. The gravel road is in a bad and deplorable state due to being neglected by the respondents and seriously needs to be revamped and restored into a good and proper condition.
 - 2.3. There is no proper drainage system for rainwater and as such during the rainy season the road floods making it impossible to access the town.
 - 2.4. The deplorable condition of the road has made it impossible to even access the clinics and emergency medical services.
 - 2.5. The deplorable condition of the road denies children access to school for days due to it being impossible for scholar transport to reach them at our locality.
 - 2.6. The deplorable condition of the further denies the community members access to health care facilities which is a right enshrined and guaranteed by Section 26 of the Constitution.
3. I confirm that further that no vehicle can access the other side of the village and there is a need for the construction of bridge as it becomes challenging

to cross, to bring necessary groceries brought from town and we have to suffer the indignity and inhumanity of carrying the coffins of our deceased relatives and neighbours during funeral processions.

4. All the foregoing constitutes true factual evidence that there is flagrant perpetual violation of community members guaranteed rights as set out in the Bill of Rights.
5. It is prudent of me to state that the community members are affronted by the breaches aforementioned and I confirm the application before court by virtue of my capacity as aforementioned.
6. I confirm that this application seeks to vindicate the rights of the community.
7. Neither the state nor any person may unfairly discriminate the residents of E-Hesini and Ku- NoMyayi Locality in the manner alluded in the hereinabove, contrary to the treatment that the Government extends to cities and town roads which are properly constructed and maintained.
8. The respondents are obliged to at all times to act in the best interests of E-Hesini and Ku- NoMyayi Locality residents, whose interests are of paramount importance, in every matter concerning the community members
9. I am advised that the respondents are constitutionally and legally obliged to protect and promote the values of human dignity, equality and freedom. In this instance it is the respondents who have breached the constitutionally

and legally enshrined rights of the community members something for which I pray this Honourable Court declares unconstitutional and invalid.

10. The respondents are enjoined to lead the consolidation of democracy in our country that requires the eradication of social and economic inequalities especially those that are systematic in nature, which were guaranteed in our history by colonialism and apartheid which result in pain and hardship to the great majority of the South African people, particularly the community members of E- Hesini and Ku- NoMyayi Locality.

11. The basis of addressing the aforementioned conditions lies in the constitution which amongst other things upholds the values of human dignity, equality, freedom and social justice in a united, non – racial and non – sexist society where all may flourish.

12. The foregoing constitutes a contractual relationship between E- Hesini and Ku-NoMyayi Locality residents and the respondents. All community members' rights are perpetually breached by the respondents.

13. I pray that the above Honourable Court direct the respondents to act forthwith in terms of section 28(2) and section 237 of the Constitution.

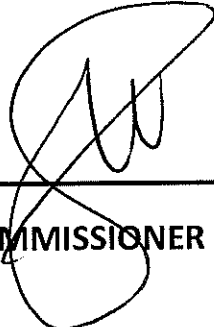
14. In conclusion I pray that this Honourable Court grant the order prayed to in the Notice of Motion.

N. 4191

DEPONENT

I certify that on this.....^{14TH} day of.....^{APRIL}.....2025 in my presence at
Mthatha the Deponent signed this affidavit and declared that he: -

1. Knew and understood the contents hereof
2. Has no objection to taking the prescribed oath
3. Considered this oath binding on his conscience and
4. Uttered the words "I swear that the contents of this Affidavit are true,
so help me God."



COMMISSIONER OF OATHS



**IN THE HIGH COURT OF SOUTH AFRICA
(EASTERN CAPE DIVISION- MTHATHA)**

CASE NO: /2025

In the matter between:

EHESINI AND KUNOMYAYI LOCALITIES	1st Applicant
NOMTHA THWANE	2nd Applicant
NO-ANDILE GIGI	3rd Applicant
NCEDISWA JALISA	4th Applicant
THOZAMA JALISA	5th Applicant
CELISWA ZIDE	6th Applicant
DALIWONGA GIGI	7th Applicant
MABOLINA JALISA	8th Applicant
AND	
DR. AB XUMA LOCAL MUNICIPALITY	1st Respondent
THE MUNICIPAL MANAGER	2nd Respondent

CONFIRMATORY AFFIDAVIT

I, the undersigned,

NCEDISWA JALISA,

do hereby state under oath and say:

1. I am an adult female person of **E-Hesini and Kwa-Nomyayi Locality Upper Mnyolo Administrative Area, Engcobo.**

1. The facts deposed to herein are with my personal knowledge and are both true and correct.
2. I confirm that I have read the Founding Affidavit deposed to by **Nomtha Thwane** and wish to confirm that:
 - 2.1. The E- Hesini main gravel road is described as **MR00715**. The access road starts from Elityeni Lomthwa Junction to the Applicants' Community.
 - 2.2. The gravel road is in a bad and deplorable state due to being neglected by the respondents and seriously needs to be revamped and restored into a good and proper condition.
 - 2.3. There is no proper drainage system for rainwater and as such during the rainy season the road floods making it impossible to access the town.
 - 2.4. The deplorable condition of the road has made it impossible to even access the clinics and emergency medical services.
 - 2.5. The deplorable condition of the road denies children access to school for days due to it being impossible for scholar transport to reach them at our locality.
 - 2.6. The deplorable condition of the further denies the community members access to health care facilities which is a right enshrined and guaranteed by Section 26 of the Constitution.
3. I confirm that further that no vehicle can access the other side of the village and there is a need for the construction of bridge as it becomes challenging

to cross, to bring necessary groceries brought from town and we have to suffer the indignity and inhumanity of carrying the coffins of our deceased relatives and neighbours during funeral processions.

4. All the foregoing constitutes true factual evidence that there is flagrant perpetual violation of community members guaranteed rights as set out in the Bill of Rights.
5. It is prudent of me to state that the community members are affronted by the breaches aforementioned and I confirm the application before court by virtue of my capacity as aforementioned.
6. I confirm that this application seeks to vindicate the rights of the community.
7. Neither the state nor any person may unfairly discriminate the residents of E-Hesini and Ku- NoMyayi Locality in the manner alluded in the hereinabove, contrary to the treatment that the Government extends to cities and town roads which are properly constructed and maintained.
8. The respondents are obliged to at all times to act in the best interests of E-Hesini and Ku- NoMyayi Locality residents, whose interests are of paramount importance, in every matter concerning the community members
9. I am advised that the respondents are constitutionally and legally obliged to protect and promote the values of human dignity, equality and freedom. In this instance it is the respondents who have breached the constitutionally

and legally enshrined rights of the community members something for which I pray this Honourable Court declares unconstitutional and invalid.

10. The respondents are enjoined to lead the consolidation of democracy in our country that requires the eradication of social and economic inequalities especially those that are systematic in nature, which were guaranteed in our history by colonialism and apartheid which result in pain and hardship to the great majority of the South African people, particularly the community members of E- Hesini and Ku- NoMyayi Locality.

11. The basis of addressing the aforementioned conditions lies in the constitution which amongst other things upholds the values of human dignity, equality, freedom and social justice in a united, non – racial and non – sexist society where all may flourish.

12. The foregoing constitutes a contractual relationship between E- Hesini and Ku-NoMyayi Locality residents and the respondents. All community members' rights are perpetually breached by the respondents.

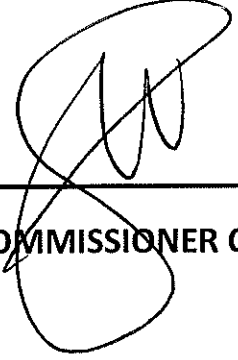
13. I pray that the above Honourable Court direct the respondents to act forthwith in terms of section 28(2) and section 237 of the Constitution.

14. In conclusion I pray that this Honourable Court grant the order prayed to in the Notice of Motion.

M. Jalis
DEPONENT

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1. Knew and understood the contents hereof
2. Has no objection to taking the prescribed oath
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COMMISSIONER OF OATHS

LUTHO VAKALA
COMMISSIONER OF OATHS
LEGAL PRACTITIONER
60 WESLEY STREET
MTHATHA
CELL: 076 540 1378

**IN THE HIGH COURT OF SOUTH AFRICA
(EASTERN CAPE DIVISION- MTHATHA)**

CASE NO: /2025

In the matter between:

EHESINI AND KUNOMYAYI LOCALITIES

1st Applicant

NOMTHA THWANE

2nd Applicant

NO-ANDILE GIGI

3rd Applicant

NCEDISWA JALISA

4th Applicant

THOZAMA JALISA

5th Applicant

CELISWA ZIDE

6th Applicant

DALIWONGA GIGI

7th Applicant

MABOLINA JALISA

8th Applicant

AND

DR. AB XUMA LOCAL MUNICIPALITY

1st Respondent

THE MUNICIPAL MANAGER

2nd Respondent

CONFIRMATORY AFFIDAVIT

I, the undersigned,

THOZAMA JALISA,

do hereby state under oath and say:

1. I am an adult female person of E-Hesini and Kwa-Nomyayi Locality Upper Mnyolo Administrative Area, Engcobo.

1. The facts deposed to herein are with my personal knowledge and are both true and correct.
2. I confirm that I have read the Founding Affidavit deposed to by **Nomtha Thwane** and wish to confirm that:
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10. The respondents are enjoined to lead the consolidation of democracy in our country that requires the eradication of social and economic inequalities especially those that are systematic in nature, which were guaranteed in our history by colonialism and apartheid which result in pain and hardship to the great majority of the South African people, particularly the community members of E- Hesini and Ku- NoMyayi Locality.

11. The basis of addressing the aforementioned conditions lies in the constitution which amongst other things upholds the values of human dignity, equality, freedom and social justice in a united, non – racial and non – sexist society where all may flourish.

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13. I pray that the above Honourable Court direct the respondents to act forthwith in terms of section 28(2) and section 237 of the Constitution.

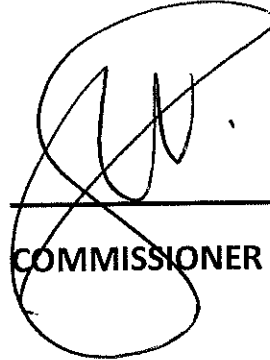
14. In conclusion I pray that this Honourable Court grant the order prayed to in the Notice of Motion.

TJALISA

DEPONENT

I certify that on this 14TH day of APRIL 2025 in my presence at Mthatha the Deponent signed this affidavit and declared that he: -

1. Knew and understood the contents hereof
2. Has no objection to taking the prescribed oath
3. Considered this oath binding on his conscience and
4. Uttered the words "I swear that the contents of this Affidavit are true, so help me God."


COMMISSIONER OF OATHS

LUTHO VAKALA
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LEGAL PRACTITIONER
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**IN THE HIGH COURT OF SOUTH AFRICA
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MABOLINA JALISA	8th Applicant
AND	
DR. AB XUMA LOCAL MUNICIPALITY	1st Respondent
THE MUNICIPAL MANAGER	2nd Respondent

CONFIRMATORY AFFIDAVIT

I, the undersigned,

CELISWA ZIDE,

do hereby state under oath and say:

1. I am an adult female person of E-Hesini and Kwa-Nomyayi Locality Upper Mnyolo Administrative Area, Engcobo.

1. The facts deposed to herein are with my personal knowledge and are both true and correct.
2. I confirm that I have read the Founding Affidavit deposed to by **Nomtha Thwane** and wish to confirm that:
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13. I pray that the above Honourable Court direct the respondents to act forthwith in terms of section 28(2) and section 237 of the Constitution.

14. In conclusion I pray that this Honourable Court grant the order prayed to in the Notice of Motion.



DEPONENT

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1. Knew and understood the contents hereof
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MABOLINA JALISA	8th Applicant
AND	
DR. AB XUMA LOCAL MUNICIPALITY	1st Respondent
THE MUNICIPAL MANAGER	2nd Respondent

CONFIRMATORY AFFIDAVIT

I, the undersigned,

DALIWONGA GIGI,

do hereby state under oath and say:

1. I am an adult male person of **E-Hesini and Kwa-Nomyayi Locality Upper Mnyolo Administrative Area, Engcobo.**

1. The facts deposed to herein are with my personal knowledge and are both true and correct.
2. I confirm that I have read the Founding Affidavit deposed to by **Nomtha Thwane** and wish to confirm that:
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 - 2.3. There is no proper drainage system for rainwater and as such during the rainy season the road floods making it impossible to access the town.
 - 2.4. The deplorable condition of the road has made it impossible to even access the clinics and emergency medical services.
 - 2.5. The deplorable condition of the road denies children access to school for days due to it being impossible for scholar transport to reach them at our locality.
 - 2.6. The deplorable condition of the further denies the community members access to health care facilities which is a right enshrined and guaranteed by Section 26 of the Constitution.
3. I confirm that further that no vehicle can access the other side of the village and there is a need for the construction of bridge as it becomes challenging

to cross, to bring necessary groceries brought from town and we have to suffer the indignity and inhumanity of carrying the coffins of our deceased relatives and neighbours during funeral processions.

4. All the foregoing constitutes true factual evidence that there is flagrant perpetual violation of community members guaranteed rights as set out in the Bill of Rights.
5. It is prudent of me to state that the community members are affronted by the breaches aforementioned and I confirm the application before court by virtue of my capacity as aforementioned.
6. I confirm that this application seeks to vindicate the rights of the community.
7. Neither the state nor any person may unfairly discriminate the residents of E-Hesini and Ku- NoMyayi Locality in the manner alluded in the hereinabove, contrary to the treatment that the Government extends to cities and town roads which are properly constructed and maintained.
8. The respondents are obliged to at all times to act in the best interests of E-Hesini and Ku- NoMyayi Locality residents, whose interests are of paramount importance, in every matter concerning the community members
9. I am advised that the respondents are constitutionally and legally obliged to protect and promote the values of human dignity, equality and freedom. In this instance it is the respondents who have breached the constitutionally

and legally enshrined rights of the community members something for which I pray this Honourable Court declares unconstitutional and invalid.

10. The respondents are enjoined to lead the consolidation of democracy in our country that requires the eradication of social and economic inequalities especially those that are systematic in nature, which were guaranteed in our history by colonialism and apartheid which result in pain and hardship to the great majority of the South African people, particularly the community members of E- Hesini and Ku- NoMyayi Locality.

11. The basis of addressing the aforementioned conditions lies in the constitution which amongst other things upholds the values of human dignity, equality, freedom and social justice in a united, non – racial and non – sexist society where all may flourish.

12. The foregoing constitutes a contractual relationship between E- Hesini and Ku-NoMyayi Locality residents and the respondents. All community members' rights are perpetually breached by the respondents.

13. I pray that the above Honourable Court direct the respondents to act forthwith in terms of section 28(2) and section 237 of the Constitution.

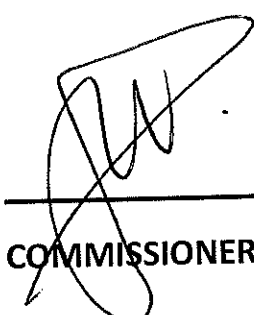
14. In conclusion I pray that this Honourable Court grant the order prayed to in the Notice of Motion.

A. gigi

DEPONENT

I certify that on this.....14TH.....day of.....APRIL.....2025 in my presence at Mthatha the Deponent signed this affidavit and declared that he: -

1. Knew and understood the contents hereof
2. Has no objection to taking the prescribed oath
3. Considered this oath binding on his conscience and
4. Uttered the words "I swear that the contents of this Affidavit are true, so help me God."



COMMISSIONER OF OATHS

LUTHO VAKALA
COMMISSIONER OF OATHS
LEGAL PRACTITIONER
60 WESLEY STREET
MTHATHA
CELL: 076 540 1378

**IN THE HIGH COURT OF SOUTH AFRICA
(EASTERN CAPE DIVISION- MTHATHA)**

CASE NO: /2025

In the matter between:

EHESINI AND KUNOMYAYI LOCALITIES	1st Applicant
NOMTHA THWANE	2nd Applicant
NO-ANDILE GIGI	3rd Applicant
NCEDISWA JALISA	4th Applicant
THOZAMA JALISA	5th Applicant
CELISWA ZIDE	6th Applicant
DALIWONGA GIGI	7th Applicant
MABOLINA JALISA	8th Applicant
AND	
DR. AB XUMA LOCAL MUNICIPALITY	1st Respondent
THE MUNICIPAL MANAGER, Dr A.B XUMA LOCAL MUNICIPALITY	2nd Respondent

CONFIRMATORY AFFIDAVIT

I, the undersigned,

MABOLINA JALISA,

do hereby state under oath and say:

1. I am an adult male person of E-Hesini and Kwa-Nomyayi Locality Upper

Mnyolo Administrative Area, Engcobo.

1. The facts deposed to herein are with my personal knowledge and are both true and correct.
2. I confirm that I have read the Founding Affidavit deposed to by **Nomtha Thwane** and wish to confirm that:
 - 2.1. The E- Hesini main gravel road is described as **MR00715**. The access road starts from Elityeni Lomthwa Junction to the Applicants' Community.
 - 2.2. The gravel road is in a bad and deplorable state due to being neglected by the respondents and seriously needs to be revamped and restored into a good and proper condition.
 - 2.3. There is no proper drainage system for rainwater and as such during the rainy season the road floods making it impossible to access the town.
 - 2.4. The deplorable condition of the road has made it impossible to even access the clinics and emergency medical services.
 - 2.5. The deplorable condition of the road denies children access to school for days due to it being impossible for scholar transport to reach them at our locality.
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4. All the foregoing constitutes true factual evidence that there is flagrant perpetual violation of community members guaranteed rights as set out in the Bill of Rights.
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this instance it is the respondents who have breached the constitutionally and legally enshrined rights of the community members something for which I pray this Honourable Court declares unconstitutional and invalid.

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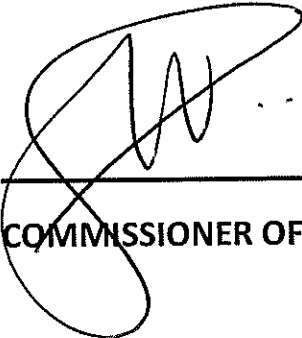
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Mabolina Jalisa

DEPONENT

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