

IN THE HIGH COURT OF SOUTH AFRICA

KWAZULU-NATAL LOCAL DIVISION, DURBAN

Case number:

In the matter between:

MUSEMA KWELI KAKOMERE

1st APPLICANT

SKHILE KHUMALO

2nd APPLICANT

YUSTHILE SHAMLALL

3rd APPLICANT

THOKOZANI DENGE

4th APPLICANT

FRANCIS K. KUMAHOR

5th APPLICANT

NOMFUNDO PRINCESS NDEBELE

6th APPLICANT

NJABULO CELE

7th APPLICANT

NOKUTHOBA P. SIKHOSANA

8th APPLICANT

CAROL THANDEKA DLAMINI

9th APPLICANT

THANDEKA KHUZWAYO

10th APPLICANT

SITHEMBILE MASIMULA

11th APPLICANT

MORY TRAORY

12th APPLICANT

MOHAMADOU BALMA

13th APPLICANT

MAKERI RAMDJE

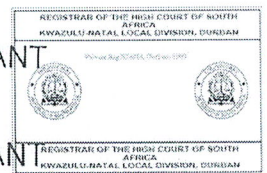
14th APPLICANT

SINEGUGU NGEMA

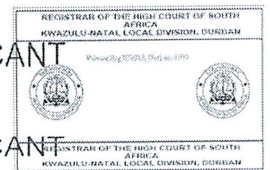
15th APPLICANT

FEZILE V DOUMBIA

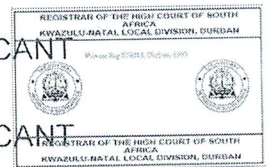
16th APPLICANT



AUCCYNOUS CISS	17 th APPLICANT
BUYI BONAKELE MBELE	18 th APPLICANT
DUDU C CHAMANE	19 th APPLICANT
ZANDILE MKHIZE	20 th APPLICANT
NOMTHANDAZO MAHLANGABEZA	21 st APPLICANT
THABASILE SABELA	22 nd APPLICANT
MAKHOSAZANA MTHETHWA	23 rd APPLICANT
SINEGUGU MSIMANGO	24 th APPLICANT
PHUMELE KHUNDO	25 th APPLICANT
NOMPUMELELO CELE	26 th APPLICANT
PRESENT BONGIWE NOVALO	27 th APPLICANT
FLORENCE CELE	28 th APPLICANT
SIYABONG LEBO XOLO	29 th APPLICANT
NOKUTHULA MNTAMBO	30 th APPLICANT
FATHYMA CELE	31 st APPLICANT
NOMPUMELELO VUNDLA	32 nd APPLICANT
PROMISE NZAMA	33 rd APPLICANT
ZANDILE MTEMBU	34 th APPLICANT
NICHOLS MNTUNGWA	35 th APPLICANT
INNOCENT BAPONA	36 th APPLICANT



MARIAM SINANI	37 th APPLICANT
N.L BUTHELEZI	38 th APPLICANT
JAFFAR MWACHIZIGWA	39 th APPLICANT
LANGSON JAMES	40 th APPLICANT
AJASSI AUBREY MNDADI	41 st APPLICANT
ZANDILE BIYELA	42 nd APPLICANT
HLAKANI ISSAC XULU	43 rd APPLICANT
M. SOW	44 th APPLICANT
CHINOSO NZEREM	45 th APPLICANT
P PAULINE KITOMENI	46 th APPLICANT
VIGINIE ONDAME	47 th APPLICANT
L O LINUS NWADIKE	48 th APPLICANT
BASHALA TSHIBALA	49 th APPLICANT
ABDOU BELIMA	50 th APPLICANT
SOLVEN DLOMO	51 st APPLICANT
LUMAME MANYEMA	52 nd APPLICANT
PINKY GABISILE MZOBE	53 rd APPLICANT
N. NABAE MAKUNGA	54 th APPLICANT
P PATIENCE MWANGA	55 th APPLICANT
AWADJI APSATOU	56 th APPLICANT



N J HLOPHE

57th APPLICANT

HENNY UKLUORA

58th APPLICANT

HLENGIWE NXUMALO

59th APPLICANT

STHANDWA MTHEMBU

60th APPLICANT

DIDIER BONGO

61st APPLICANT

MICHA MILELE

62nd APPLICANT

SAYED MAHOMED

63rd APPLICANT

NUNU E. KGOLE

64th APPLICANT

THOKO GCABA

65th APPLICANT

ISRAEL SBONGISENI MTHALANE

66th APPLICANT

NOMASILIVA DLAMINI

67th APPLICANT

NOKUTHULA XULU

68th APPLICANT

SIFISO BIYELA

69th APPLICANT

SINDISIWE CELE

70th APPLICANT

NOKUZOLA MAVANA

71st APPLICANT

NOBUHLE NGCOBO

72nd APPLICANT

KHANYISILE NZUZA

73rd APPLICANT

S.D SIBONGILE NGEMA

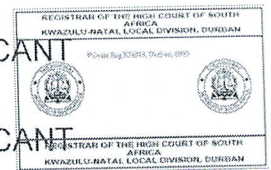
74th APPLICANT

THEMBILE SOGINYA

75th APPLICANT

SIFISO MAKUBALO

76th APPLICANT



MDANGALA KHANYISILE 77th APPLICANT

SINEGUGU NGEMA 78th APPLICANT

NYAMELELA MXOKOZELI 79th APPLICANT

NOMTHANAZO DOZI DLAMINI 80th APPLICANT

LINDOKUHLE NGUBANE 81st APPLICANT

G GUGULETHU SIMAYL 82nd APPLICANT

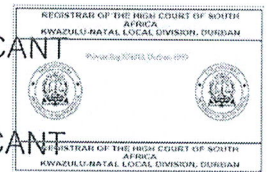
NTUTHUKO KHUMALO 83rd APPLICANT

AJASSI AUBREY MMADI 84th APPLICANT

and

THE ETHEKWINI MUNICIPALITY 1st RESPONDENT

THE CITY MANAGER – ETHEKWINI MUNICIPALITY 2nd RESPONDENT



NOTICE OF MOTION

KINDLY TAKE NOTICE THAT the above-mentioned applicants intend making application on the 15th day of April 2026 at 09h30 or so soon thereafter as counsel may be heard for an order in the following terms:

1.

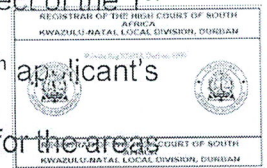
Insofar as may be necessary, the Applicants' failure to bring this application within the period of 180 days referred to in Section 7(1) of the Promotion of Administrative Justice

Act 3 of 2000 is hereby condoned, alternatively, the period of 180 days is extended to the date of the launch of this application.

2.

The first and second respondents are called upon to show cause, if any, why the following decisions made by the respondents should not be judicially reviewed and set aside:

2.1 The decision to refuse, alternatively fail to make a decision, in respect of the 1st and 3rd to 17th applicants and the 20th to 64th applicant and the 67th applicant's application to renew their trading permits until the end of May 2026 for the areas situated in Queen Street, Albert Street and Victoria Street in Durban;



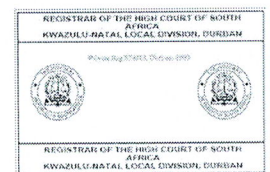
2.2 The decision to confiscate the 2nd, 18th and 19th and 65th and 66th and 70th applicants trading permits that were validly renewed until the end of May 2026 for the area situated in Queen Street, Albert Street and Victoria Street in Durban;

2.3 The decision to prohibit the applicants from trading in / selling second hand clothing in the areas situated in Queen Street, Albert Street and Victoria Street in Durban;

2.4 The decision to relocate the applicants from their trading areas in Queen Street, Albert Street and Victoria Street in Durban to Centrum Park, Durban.

3.

The first and second respondents are further called upon to dispatch, within fifteen (15) days after receipt of this Notice of Motion, to the Registrar of the above Honourable Court, the records of all documents and all electronic records that relate to the making of the decisions (or the failure to make a decision) referred to above as set out in paragraphs 2.1 to 2.4 ("the Record"), together with such reasons that the respondents are required by law to give or make and to notify the applicants that the respondents have done so.



4.

The first and second respondents be directed to pay the costs of the application only in the event of them opposing the relief sought.

5.

Further and / or alternative relief.

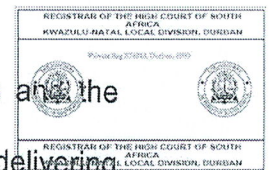
AND TAKE NOTICE FURTHER that the affidavit of Musema Kweli Kakomere, together with annexures thereto and confirmatory affidavits will be used in support of this application.

TAKE NOTICE FURTHER that the applicants have appointed KHATIJA KHALLIL ATTORNEYS at 19 Ormiston Place, Glenwood, Durban as the address at which all notices and processes may be served.

PLEASE TAKE NOTICE that in terms of Rule 53 (4) the applicants may within ten (10) days after receipt of the record, by delivering of a notice and accompanying affidavit, amend, add to or vary the terms of their notice of motion and supplement the supporting affidavits.

AND TAKE NOTICE FURTHER that if any of the respondents intend opposing this application, then such respondent (s) is / are required to:

- (a) to notify the applicant's attorneys at the undermentioned address and the Registrar of the above Honourable Court of its intention to oppose by delivering a Notice to that effect within fifteen (15) days from date of receipt hereof; and
- (b) within thirty (30) days after the expiry of the time referred to in the preceding paragraph for the delivery of any amendments, additions or variation of the Notice of Motion or Supplementary Affidavit, deliver any Affidavit that it may desire in answer to the allegations made by the applicants;
- (c) to appoint in such notification an address in terms of Rule 6(5)(b) of which it will accept notice and service of all documents in these proceedings.



If no such notice to oppose be given, the application will be made on the 15th day of April 2026 at 09h30 or so soon thereafter as Counsel may be heard.

KINDLY PLACE THE MATTER ON THE ROLL FOR HEARING ACCORDINGLY.

DATED AT DURBAN ON THIS 13th DAY OF JANUARY 2026.



APPLICANTS' ATTORNEYS

KHATIJA KHALLIL ATTORNEYS

19 ORMISTON PLACE

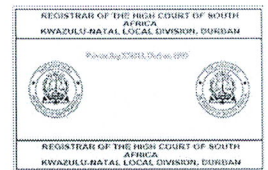
GLENWOOD

DURBAN

OFFICE: 079 506 3705

CELL: 083 6771 786

EMAIL: kkattorneys@telkomsa.net



TO: THE REGISTRAR

DURBAN HIGH COURT

AND TO: THE ETHEKWINI MUNICIPALITY
18th FLOOR, EMBASSY BUILDING
199 ANTON LEMBEDE STREET
DURBAN

AND TO: THE CITY MANAGER – ETHEKWINI MUNICIPALITY
C/O LEGAL DEPARTMENT
18th FLOOR, EMBASSY BUILDING
199 ANTON LEMBEDE STREET
DURBAN