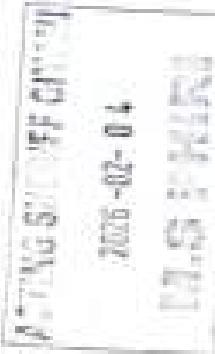


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IN THE HIGH COURT OF SOUTH AFRICA
LIMPOPO LOCAL DIVISION, THOMOYANDOU

Case no. 2024/0006



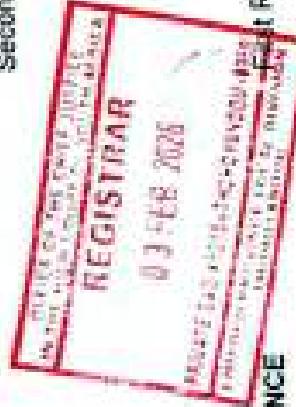
In the matter between,

JIT -02- 04

MASTER CHABALALA

MUSWANA ROYAL FAMILY

and



PREMIER OF LIMPOPO PROVINCE

LIMPOPO MEC FOR COOPERATIVE GOVERNANCE

HOUSING AND TRADITIONAL AFFAIRS

DESMOND MALULEKE

MULAMULI ROYAL FAMILY

MULAMULI TRADITIONAL AUTHORITY

JAMES CHABALALA

Second Respondent

Third Respondent

Fourth Respondent

Fifth Respondent

Sixth Respondent

NOTICE OF MOTION

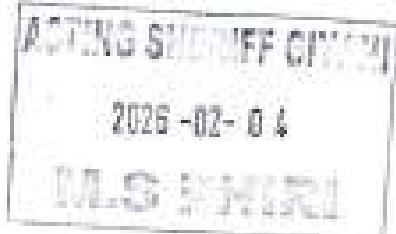
PART A

~~COPY~~

IN THE HIGH COURT OF SOUTH AFRICA
LIMPOPO LOCAL DIVISION, THOHOYANDOU.

Case no 254/2026

In the matter between:



MASTER CHABALALA

First Applicant

MUSWANA ROYAL FAMILY

Second Applicant

and



PREMIER OF LIMPOPO PROVINCE

First Respondent

LIMPOPO MEC FOR COOPERATIVE GOVERNANCE,

Second Respondent

HOUSING AND TRADITIONAL AFFAIRS

Third Respondent

DESMOND MALULEKE

Fourth Respondent

MULAMULA ROYAL FAMILY

Fifth Respondent

MULAMULA TRADITIONAL AUTHORITY

Sixth Respondent

MAGEZI JAMES CHABALALA

NOTICE OF MOTION

PART A

TAKE NOTICE that the above-named applicants intend to make application to this court on 17 February 2026 at 9h00 or as soon thereafter as the matter can be heard for an order in the following terms:

- 1 Dispensing with the forms and service provided for in the rules of this Honourable Court and disposing of this matter by way of urgency in terms of Rule 6(12)(a) of the Uniform Rules of Court;
- 2 Pending the finalisation of the main case under Part B of this application:
 - 2.1 The letter titled "LAPSE OF ACTING APPOINTMENT: CHABALALA MASTER PERSAL NO: 84907380 AS ACTING HEADMAN OF MUSWANA VILLAGE UNDER MULAMULA TRADITIONAL COMMUNITY IN VHEMBE DISTRICT IN TERMS OF THE TRADITIONAL AND KHOSAN ACT LEADERSHIP ACT, 2019 (ACT 33 OF 2019) (TKLA)", signed and dated by the first respondent on 23 September 2025 which was delivered to the first applicant on 17 December 2025 is suspended;
 - 2.2 General Notice 579 of 2025, signed by the first respondent on 23 September 2025 and published on 23 October 2025 is suspended;
 - 2.3 The removal of the first applicant as the headman of Muswana Village is suspended and the first applicant is reinstated with full and outstanding benefits and authority as a headman of Muswana Village;
 - 2.4 The appointment and/or recognition of the sixth respondent as the headman of Muswana Village is suspended; and

- 2.5. The respondents are prevented and restrained from appointing and/or authorising any other person to execute and/ or exercise powers bestowed in law on the first applicant.
3. Directing that the costs of this application are to be paid by the first and second respondents and any other party that opposes this application; and
4. Granting further and/or alternative relief.

TAKE NOTICE FURTHER that the founding affidavit of **MASTER CHABALALAS**,

together with the documents annexed thereto will be used in support hereof.

TAKE NOTICE FURTHER that the applicants have appointed the undersigned address of its attorneys (**MGEJO ATTORNEYS**) as set out below as the address at which it will receive notice and service of all process in this matter. Electronic service of pleadings may be effected at mgejoattorneys@gmail.com.

TAKE NOTICE FURTHER that the time periods in respect of Part A have been shortened. Should you intend to oppose this application, you are required to notify the applicants' attorneys by whatsapp on 0632262313 or by email mgejoattorneys@gmail.com on or before 10h30 on Wednesday 11 February 2026:

- (a) That you intend to oppose the application;
- (b) In that notice appoint an address within 15 kilometres of the office of the registrar and an email address at which you will accept notice and services of all documents and processes in these proceedings; and
- (c) File your answering affidavit by 13 February 2026, failing which the matter may be held in your absence and an order for costs may be made.

TAKE NOTICE FURTHER that in the event that you deliver any answering affidavit(s) the applicants will file their replying affidavits by 16h00 on 16 February 2026 after receipt of such affidavit(s) and presents the indexed and paginated file to the Registrar.

PART B

TAKE NOTICE that the above-named applicant intends to make application to this court on a date to be determined by the Registrar for an order in the following terms:

- 5 The decision of the first respondent that was taken on or about 23 September 2005 and communicated in General Notice Number 679 of 2005 that was published on 23 October 2005 is declared unlawful and is reviewed and set aside;
- 6 The appointment of the sixth respondent as the headman of Muswana Village is declared unlawful and is reviewed and set aside;
- 7 All the decisions and/or actions taken and implemented by the sixth respondent pursuant to his appointment as headman of Muswana Village are reviewed and set aside;
- 8 The decision of the first respondent to remove the first applicant from the position of Muswana headman which was communicated in the letter titled "LAPSE OF ACTING APPOINTMENT: CHABALALA MASTER PERSAL NO: 84907380 AS ACTING HEADMAN OF MUSWANI VILLAGE UNDER MULAMULA TRADITIONAL COMMUNITY IN VHEMBE DISTRICT IN TERMS OF THE TRADITIONAL AND KHOI-SAN ACT LEADERSHIP ACT, 2019 (ACT 03 OF 2019) (TKLA)". signed by the first respondent

- dated 23 September 2025 which was delivered to the first applicant on 17 December 2025 is reviewed and set aside;
- 9. The first applicant is reinstated as headman of Muswana Village with full benefits, obligations and powers associated with the position of headman;
 - 10. Directing that the costs of this application are to be paid by the first and second respondents and any other respondent opposing the application; and
 - 11. Granting further and/or alternative relief.

TAKE NOTICE FURTHER that the founding affidavit of **MASTER CHABALALA**, together with all the documents annexed thereto will be used in support hereof.

TAKE NOTICE FURTHER that the applicant has appointed the offices of **MGEJO ATTORNEYS** as set out below as the address referred to in rule 6(5)(b) of the ~~Uniform~~ Rules of Court at which it will accept notice and service of all process in these proceedings.

TAKE NOTICE FURTHER that within 15 days the first respondent is required, in terms of rule 53(1) of the Uniform Rules of Court, to despatch to the Registrar the record of proceedings giving rise to the decision sought to be reviewed and set aside, and to notify the applicant that it has done so.

TAKE NOTICE FURTHER that in the event you wish to oppose the relief sought in this application, you are required-

- (d) within 15 days after receipt of the Notice of Motion to deliver to the applicant's attorneys a notice setting out that you intend to oppose and in such notice appointing an address within 15 kilometres of the office of the Registrar at

which you will accept notice and service of all process in these proceedings;

and

- (e) within 30 days after the expiry of the time referred to in rule 53(4) of the Uniform Rules of Court, deliver any affidavit(s) you may desire in answer to the allegations made by the applicant.

TAKE NOTICE FURTHER that if no such notice of intention to oppose is given, the application will be made on _____ without further notice.

SIGNED and DATED at GIYANI on this 1 day of January 2026.



MGEJO INC ATTORNEYS
APPLICANT'S ATTORNEYS
HOUSE NO: 1143
SECTION E
GIYANI
CELL: 063 2282313
EMAIL: mgejoattorneys@gmail.com
REF: MGEJO/CIV/24/2026
C/O MUKHELI ALIWANI ATTORNEYS
RAMADAX COMPLEX
OFFICE NO. 1
THOHYANDOU
CELL: 078 239 5524
EMAIL: aluwai@mukheliatorneys.co.za

TO THE REGISTRAR OF THE
ABOVE HONOURABLE COURT,

THOHOYANDOU

AND TO: PREMIER OF LIMPOPO PROVINCE

Moveneng Building
40 Hans Van Rensburg Street
Polokwane
0699
(First respondent)

AND TO: LIMPOPO MEC FOR COOPERATIVE GOVERNANCE,

HOUSING AND TRADITIONAL AFFAIRS (Coghsta)

Limpopo Province

2 Rabe Street

Polokwane

0699

(Second Respondent)

DESMOND MALULEKE

Stand no 450

Dumela village

Malamulele

0933

(Third Respondent)

AND TO: MULAMULA ROYAL FAMILY

Stand no 450

Dumela village

Malamulele

0933

(Fourth Respondent)

AND TO: MULAMULA TRADITIONAL AUTHORITY

Stand no .450
Dumela village
Matamulele
0933
(Fifth Respondent)

AND TO: **IMAGEZI JAMES CHABALALA**
Gawula village
Next to ka ndove and manjosi also next maluleke station
Giyani
0826
(Sixth Respondent)

IN THE HIGH COURT OF SOUTH AFRICA
LIMPOPO LOCAL DIVISION, THOHOYANDOU

Case no. _____

In the matter between

MASTER CHABALALA

First Applicant

ROYAL FAMILY

Second Applicant

LIMPOPO PROVINCE

First Respondent

DEPARTMENT OF COOPERATIVE GOVERNANCE,

Second Respondent

TRADITIONAL AFFAIRS

Third Respondent

TRADITIONAL AUTHORITY

Fourth Respondent

ROYAL FAMILY

Fifth Respondent

TRADITIONAL AUTHORITY

Sixth Respondent

MASTER CHABALALA

FOUNDING AFFIDAVIT

..... unsworn.

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as sections 1, 12 and 13 of the Limpopo Act. The area of jurisdiction of the second applicant is the Muswana community under the Mulamula Traditional Authority. The second applicant nominated me in terms of section 12 of the Limpopo Act when I was recognised and/or appointed in 2018.

The respondents

5. The first respondent is the Premier of Limpopo Province ("the Premier"), who is first and foremost cited in her official capacity as the person appointed and empowered in terms of section 125 of the Constitution. She is also cited in her capacity as the person empowered by sections 8 and 9 of the Khoi-San Act and section 12 of the Limpopo Act to recognise a headman and section 13(8) of the Khoi-San Act to remove acting traditional leaders.
6. The second respondent is the Limpopo Provincial Member of the Executive Council for Cooperative Governance, Housing and Traditional Affairs ("the MEC"), who is cited in her official capacity as the Member of the Provincial Executive in charge of Traditional Affairs as appointed and empowered in terms of section 132 and section 133 of the Constitution.
7. The third respondent is Desmond Maluleke, who is the senior traditional leader of the Mulamula traditional community and is recognised as such in terms of sections 7(1)(aiii), 8(2) and 63(1)(aiii) of the Khoi-San Act and section 12(1)(a) and (b) of the Limpopo Act. He is cited as an active participant in my removal and the recognition and/or appointment of the sixth respondent.

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- 8 The fourth respondent is the Mulamula Royal Family, a structure defined in terms of section 1(1) of the Khoi-San Act as "the core customary institution or structure consisting of immediate relatives of the ruling family in a traditional or Khoi-San community, who have been identified by customary law or customs, and includes, where applicable, other members who are close relatives of the ruling family". The jurisdiction of the fifth respondent is the Mulamula traditional leadership.
- 9 The fifth respondent is the Mulamula Traditional Authority, which is the traditional authority under the third respondent and to which the applicants currently fall. It is an entity recognised in terms of section 7(1)(a)(iii) and (iv) of the Khoi-San Act read with sections 1(1) and 63(4)(a) and (5)(a) together with sections 1 and 33(5) of the Limpopo Act. It is cited primarily as the entity that will be affected by any decision that may come out of this application.
- 10 The sixth respondent is Magezi James Chabalala, a resident of Gawula Village that falls in the Khakhala/Shiviti Traditional authority and outside the fourth respondent, who has been unlawfully appointed by the first respondent as the new headman of the Muswana community to replace the first applicant. His appointment by the first respondent transgresses various provisions of the Limpopo Act and the Traditional and Khoi-San Leadership Act 3 of 2019 ("Khoi-San Act").

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- 11 My father, Risimati Thomas Chavalala ("RT Chavalala"), passed away on 10 December 2017 after an illness. A copy of the death certificate is annexed as MC1.
- 12 At the time of his death, RT Chavalala was recognised as the substantive headman of the Muswana Village under the Mulamula Traditional Authority, having ascended the position in or around 1990 after succeeding his late father, Gija Elias Chavalala ("Gija"), who was also the substantive headman of the village from 1974 to 1990. His father had also succeeded his own father, RT Chavalala's grandfather, also known as Risimati, who resigned from 1972 to 1974.
- 13 From 1972, that is for fifty-four (54) years, when my great grandfather Risimati, took over, the headmanship has been within the current lineage and nobody has ever challenged it.
- 14 Soon after the burial of Risimati Thomas Chavalala in 2017, a senior member of the family did try to usurp the headmanship position vacated at Risimati Thomas Chavalala's death. He confiscated all the relevant documents to disempower other members of the family from succeeding RT Chavalala. Thus, a protracted battle ensued followed by a series of meetings involving the family at large. The sixth respondent has never posed any claim for the headman position of the Muswana Village.
- 15 However, in or around April 2018 the family decisively intervened and resolved the matter and nominated me to succeed the late RT Chavalala.
- 16 Thus, communication with the first and second respondents as well as the fifth respondent ensued and I was recognised and/or appointment to succeed Risimati Thomas Chavalala in terms of section 12(1)(b) of the

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Limpopo Act on or around 21 February 2019 and details thereof communicated to me in or around March 2019 by the fifth respondent. A copy the letter is annexed as MC2.

- 17 Five years later, on or around 19 May 2024, the third respondent organised and addressed a public meeting at Muswana Village, which is an area of the headmanship administered by the applicants, in which meeting the third respondent told the community that he has removed me as the headman of the village with immediate effect and that he has appointed one Richard Chauke, an ordinary resident of the Muswana Village as the new headman of the village.
In the same meeting, the third respondent instructed the community to no longer address me as a headman and to address Richard Chauke as such.
Further, the third respondent instructed the community to refer all services they would normally receive from me as a headman to Richard Chauke.
It was clear to the applicants that the actions of the third respondent constituted interference in my duties in the administration of the affairs of the Muswana headmanship and/or community, and the usurpation of the powers and responsibilities of the first respondent as enshrined in the Limpopo Act and the Khoi-San Act.
- 21 After my attorneys tried in vain to resolve the matter with the third respondent and those who were assisting him, I launched an application with this Honourable Court under case number 1662/2024 and the matter has been enrolled on the unopposed roll for trial on 18 March 2026.

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- 22 On 30 November 2025, that is, four (4) months towards the trial in the matter, I duly received my payslip for the month of December 2025 – paid on the 15th of each month – an indication that I would receive my stipend on 15 December 2025. A copy of the payslip is annexed as MC3.
- 23 On 15 December 2025 I did not receive my stipend and, two days later, on 17 December 2025 I enquired with the regional office of the second respondent in Thohoyandou and only then were I informed that I have been removed in terms of section 13(8) of the Khoi-San Act 3 and that the sixth respondent, for whom I was allegedly acting on his behalf, had been appointed in terms of section 8(3)(a) of the Khoi-San Act. A copy of the letter and the notice thereof are annexed as MC4 and MC5, respectively.
- 24 I am advised, which advice I accept, that the administrative action to remove me as the headman of Muswana Village and the appointment of the sixth respondent is unlawful and stands to be reviewed and set aside. I am further advised, which advice I accept, that the action constitutes a blatant and total disregard of the law and brings the institute of traditional leadership into disrepute.
- On 7 January 2026, my lawyers delivered a letter to the offices of the first and second respondent making them aware of their unlawful action and advising them to reinstate me with immediate effect and to deliver a letter to their (my lawyers') offices to confirm my reinstatement within 10 calendar days of receipt of the letter. The ten (10) days lapsed on 17 January 2026. I am still not reinstated and my attorneys have not received any correspondence to confirm my reinstatement. A copy of the letter is annexed as MC6.

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LEGISLATIVE FRAMEWORK

27 At the time of my recognition in February 2019, the national legislation in place was the Traditional Leadership and Governance Framework Act 41 of 2003 ("the Framework Act"), which was enacted on 19 December 2003 as national legislation on issues of traditional leadership.

28 The provincial Legislation was the Limpopo Act, which came into effect on 1 April 2006:

29 Section 8 of the Framework Act provided for the recognition of traditional leadership positions. It stated:

"The following leadership positions within the institution of traditional leadership are recognised: (a) Kingship; (b) senior traditional leadership; and (c) headmanship".

30 Therefore, in terms of the Framework Act, my position would be that in section 8(c).

31 Section 11 of the Framework Act dealt with the recognition of senior traditional leaders, headmen or headwomen, while the same was and still is provided for in section 12 of the Limpopo Act:

31.1 Section 11(1) of the Framework Act read: *"Whenever the position of senior traditional leader, headman or headwoman is to be filled-(a) the royal family concerned must, within a reasonable time after the need arises for any of those positions to be filled, and with due regard to applicable customary*

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law- (i) identify a person who qualifies in terms of customary law to assume the position in question, after taking into account whether any of the grounds referred to in section 12(3)(a), (b) and (d) apply to that person; and (ii) through the relevant customary structure, inform the Premier of the province concerned of the particulars of the person so identified to fill the position and of the reasons for the identification of that person; and (b) the Premier concerned must, subject to subsection (3), recognise the person so identified by the royal family in accordance with provincial legislation as senior traditional leader, headman or headwoman, as the case may be". The same provision was and still is captured as such in section 12(1) of the Limpopo Act. In accordance with these provisions, the second applicant, duly nominated me and, through the fifth respondent, informed the first and third respondents of my nomination through the fourth respondent. The fourth respondent duly recognised me and appointed me as the headman of ~~the~~ Village and its decision was communicated to me by the fifth respondent in a letter signed by the predecessor of the third respondent, the late ~~Hasani~~ Hasani Maluleke.

Section 11(3) stated: "Where there is evidence of an allegation that the recognition of a person referred to in subsection (1) was not done in accordance with customary law, customs or processes, the Premier- (a) may refer the matter to the relevant provincial house of traditional leaders for their recommendation; (b) may refuse to issue a certificate of recognition; and (c) must refer the matter back to the royal family for reconsideration". The Limpopo Act had and still has the same provision as section 12(2). There

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were no questions about my right to succeed my father, RT Chabalala, hence nobody invoked this provision to this date.

- 31.3 Section 11(4) states: "Where the matter which has been referred back to the royal family for reconsideration and resolution in terms of subsection (3) has been reconsidered and resolved, the Premier must recognise the person identified by the royal family if the Premier is satisfied that the reconsideration and resolution by the royal family has been done in accordance with customary law". The same provision was and still is in place in the Limpopo Act as section 12(3). Again, there was no process followed through this provision as there was no need to do so.
- 32 The Framework Act was repealed on 1 April 2021 and replaced with the Khoi-San Act, hence issues pertaining to my position are currently administered under the Khoi-San Act, in conjunction with the Limpopo Act. Recognition of leadership positions in the Khoi-San Act is currently catered for in section 7 of the Act with the headmanship position catered specifically in section 7(1)(a)(iv). Therefore, the position of the Muwana headmanship is currently recognised in terms of section 7(1)(a)(iv) of the Khoi-San Act.
- 33 Section 12 of the Framework Act has been largely adopted by the Khoi-San Act as section 8 thereof.
- 34 In terms of the repealed Framework Act, temporary appointment of traditional leaders, including headmen, was catered for in sections 13 and 14 as regents and acting traditional leaders, respectively. These were and still are covered in the Limpopo Act in terms of sections 14 and 15, respectively.

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- 36 The Framework Act provided for the acting positions of traditional leaders, including headmen, in section 14, while the Limpopo Act provided for this and still does so in section 15.
- 37 Section 14(1) provided that "A royal family may, in accordance with provincial legislation, identify a suitable person to act as a king, queen, senior traditional leader, headman or headwoman, as the case may be, where a successor to the position of a king, queen, senior traditional leader, headman or headwoman has not been identified by the royal family concerned in terms of section 9(1) or 11(1); (b) the identification of a successor to the position of a king, queen, senior traditional leader, headman or headwoman is being reconsidered and resolved in terms of sections 9(3) or 11(3); or (c) a king, queen, senior traditional leader, headman or headwoman, as the case may be, would be absent from his or her area of jurisdiction under circumstances other than those provided in section 15 and for a period of more than six months for- (i) the treatment of illness; (ii) study purposes; or (iii) any other lawful purpose". The Limpopo Act's version of this provision is in section 15(1) thereof. This is the provision that the first respondent now alleges I was appointed in terms of, which I dispute.

Section 14(2) of the Framework Act provided that "An acting appointment in terms of subsection (1) must be made in accordance with provincial legislation, which legislation must at least provide for- (a) a certificate of appointment in an acting position to be issued by an appropriate authority; (b) a review of the acting appointment on a regular basis; (c) the removal of a person who has been appointed in an acting position; and (d) the

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relevant provincial house of traditional leaders to be informed of such an acting appointment". The Limpopo Act, as the provincial legislation referred to in section 14(2) of the Framework Act, does respond to section 14(2) of the Framework Act accordingly. Section 15(2) of the Limpopo Act states that "*The Premier must, upon appointment of an acting traditional leader in terms of subsection (1)- (a) issue a certificate of appointment and (b) inform the provincial house of traditional leaders and the relevant local house of traditional leaders*". As stated in the letter delivered to me by the fifth respondent back in 2019, my appointment was in terms of section 12 of the Limpopo Act and not section 15. Section 15(3) of the Limpopo Act states that "*The Premier must review the appointment of the acting traditional leader every 12 months*", while section 15(4) states that "*The Premier must upon request by the royal family remove any person appointed in an acting capacity*". To show that I was not appointed in terms of section 15 of the Limpopo Act, I am not aware of any annual review that the first respondent has ever conducted in the seven years that I have been in this position and I am not aware of any royal family that would have requested for my removal.

- 39 Sections 13 and 14 of the Framework have largely been incorporated as sections 12 and 13, respectively, in the Khoi-San Act, hence the first respondent invoked section 13 for this unlawful action.
- 40 In terms of the letter dated 23 September 2025, which was delivered to me on 17 December 2025, purporting to remove me from my position, the action to remove me was taken in terms of section 13(8) of the Khoi-San Act, which reads: "*Whenever the successor to a leadership position has*

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been identified or elected as contemplated in subparagraph (i) of subsection (1), or an investigation as contemplated in subparagraph (ii) of subsection (1) has been finalised, or the circumstances referred to in subparagraph (iii) of subsection (1) are no longer applicable, any relevant acting recognition shall automatically lapse on the date on which the relevant leader referred to in subparagraph (i) or (ii) of subsection (1) is recognised by notice in the Gazette or Provincial Gazette, as the case may be, or the date on which the leader referred to in subparagraph (iii) of subsection (1) resumes his or her functions". Thus, subparagraphs (i), (ii) and (iii) of subsection (1) are critical in this regard as an acting appointment can only be done in accordance with them:

46.1 In terms of subparagraph (i) of subsection (1) an acting headman would have been appointed if the successor had not been appointed in terms of section 8 of the Khoi-San Act. I was appointed in terms of section 12 of the Limpopo Act, which was section 11 in the Framework Act and has been adopted as section 8 of the Khoi-San Act when the Khoi-San Act replaced the Framework Act in 2021, but remains the same in the Limpopo Act. Therefore, the position was duly filled at the time with my nomination and recognition. There was, therefore, no issue about the identification of a successor to my late father, RT Chabalala.

46.2 In terms of subparagraph (ii) of subsection (1), the acting headman would have been appointed if there was still an investigation in terms of section 11(4) of the Framework which became section 8(4)

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In the Khoi-San Act, There was no such investigation and the acting headman would not have been appointed for that reason.

46.3 In terms of subparagraph (ii) of subparagraph (1), the acting headman would have been necessary under the circumstances in (aa) to (cc) thereof. None of these circumstances prevailed at the time.

2. Therefore, it stands to reason that I cannot be removed in terms of section 13 of the Khoi-San Act when I was not appointed and/or recognised in terms of section 14 of the Framework Act or section 15 of the Limpopo Act. Moreover, at the time of my appointment I was an undisputed heir to the position as the only son to my father and the only one legible to succeed him in terms of the succession law of the Muswana headmanship.

Section 63(1)(a)(i) and (ii) of the Khoi-San Act states that "Any traditional leader — (i) who was appointed or recognised as such in terms of applicable provincial legislation and was still recognised as a traditional leader immediately before 24 September 2004; or (ii) who was recognised as such in terms of the Traditional Leadership and Governance Framework Act, 2003 (Act 41 of 2003) (hereinafter referred to as the Framework Act), prior to the repeal of that Act, or in terms of any applicable provincial legislation which is not inconsistent with the Framework Act as the case may be, is deemed to have been recognised as such in terms of section 8 of this Act, subject to a recommendation of the CTLDC, where applicable. My father, RT Chavala's appointment relates to subparagraph (i) while mine relates to subparagraph (ii).

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43 Overall, this case borders on the violation of section 211(1) and (3) of the Constitution of the Republic of South Africa ("the Constitution").

44.1 Section 211(1) states that "The institution, status and role of traditional leadership, according to customary law, are recognised subject to the Constitution". The Muswana headmanship, as an institution of traditional leadership follows customary law which cannot and should not be arbitrarily undermined by the respondents.

44.2 Section 211(3) states that "Courts must apply customary law when that law is applicable, subject to the Constitution and any legislation that specifically deals with customary law". The Muswana headmanship practices customary law and that law is recognised by the Constitution and include the succession law of the headmanship.

FOUNDS OF REVIEW

45 I am advised and submit that the decision constitutes an administrative action under the Promotion of Administrative Justice Act (PAJA).

46 Section 33(1) and (2) of the Constitution of the Republic of South Africa, 1996 ("the Constitution") provides that everyone has the right to administrative action that is lawful, reasonable and procedurally fair and that everyone whose rights have been adversely affected by the administrative action has the right to be given written reasons.

47 Section 33(3) of the Constitution requires national legislation to be enacted to give effect to these rights, and to, among others, provide for the review of administrative action by court.

48 PAJA is the national legislation referred to in Section 33(3) of the Constitution.

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49 Section 1 defines "administrative action" as any decision taken, or any failure to take a decision, by – (a) an organ of state, when exercising a power in terms of the Constitution or a provincial constitution; or exercising a public power or performing a public function in terms of any legislation; or (b) a natural or juristic person, other than an organ of state, when exercising a public power or performing a public function in terms of an empowering provision, which adversely affects the rights of any person and which has a direct, external legal effect. The definition has exclusions, which do not apply in the matter in this application. Therefore, the provisions in (a) and (b) cover the Premier as an elected official and any capacity in terms of which he took the decision under section 12(1)(b).

Section 1 also defines an "administrator" as an organ of state or any natural or juristic person taking administrative action. This, too, applies to the Premier in his position and exercise of public power in the matter in this application.

51 Section 6(1) of PAJA provides that any person may institute proceedings in a court or tribunal for the judicial review of an administrative action.

52 The decision of the first respondent to remove me from my position as the headman of the Muswana Village stands to be reviewed and set aside on the following grounds:

52.1 Section 6(2)(b) of PAJA in that a mandatory and material procedure or condition prescribed by an empowering provision was not complied with. A traditional leader appointed in terms of section 12 of the Limpopo Act, as I do, must be removed through procedures prescribed in sections 4, 9 and 59 of the Khai-San Act and/or section 13 of the Limpopo Act.

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52.2 Section 6(2)(d) of PAJA in that the action was materially influenced by an error of law. The first respondent cannot remove me through section 13(8) of the Khoi-San Act when I was appointed in terms of section 12 of the Limpopo Act.

52.3 Section 6(2)(e)(i) of PAJA in that the action was taken for the reason not authorised by the empowering provision. Section 13(8) of the Khoi-San Act does not provide for the removal of headmen appointed in terms of section 12 of the Limpopo Act. The provisions that empower and authorise the first respondent to remove a traditional leader appointed in terms of section 12 of the Limpopo Act are section 9 of the Khoi-San Act and section 13 of the Limpopo Act.

52.4 Section 6(2)(e)(ii) of PAJA in that when the action was taken irrelevant considerations were taken into account (and) relevant considerations were not taken into account. The first respondent considered the appointment of the sixth respondent to remove me without considering the fact that she cannot remove me in consideration of the appointment of the sixth respondent in my position.

52.5 Section 6(2)(e)(vi) of PAJA in that the action was taken arbitrarily and/or capriciously. There was no consultation with me and/or the second applicant and I was never informed or consulted of the pending decision prior to it being taken. Neither were I subjected to any fair and just process for that matter.

52.6 Section 6(2)(e)(f) of PAJA in that the action itself contravenes a law and is not authorised by the empowering provision. The first

respondent is not empowered to use section 13 of the Khoi-San Act to remove a traditional leader appointed in terms of section 12 of the Limpopo Act. Further, the first respondent contravenes section 13(8) of the Khoi-San Act and section 33 of the Limpopo Act by nominating a traditional leader appointed in terms of section 12 of the Limpopo Act through section 13(8) of the Khoi-San Act.

53. The decision of the first respondent to recognise and/or appoint the sixth respondent as the headman of the Muswana Village stands to be reviewed and set aside on the following grounds:

53.1 Section 6(2)(b) of PAJA in that a mandatory and material procedure or condition prescribed by an empowering provision was not complied with. A successor to the position of a traditional leader appointed in terms of section 12 of the Limpopo Act must be nominated, recognised and appointed in terms of the prescripts of this provision and the appointment of the sixth respondent falls short of this.

53.2 Section 6(2)(d) of PAJA in that the action was materially influenced by an error of law. The first respondent cannot recognise and/or appoint the sixth respondent in terms of section 12 of the Limpopo Act, when the position is not vacant.

53.3 Section 6(2)(e)(ii) of PAJA in that the action was taken for the reason not authorised by the empowering provision. Section 13 of the Khoi-San Act does not provide for the removal of headmen appointed

in terms of section 12 of the Limpopo Act in order to make way for another to be appointed in terms of section 12 of the Limpopo Act.

53.4 Section 6(2)(e)(ii) of PAJA in that when the action was taken, irrelevant considerations were taken into account (and) relevant considerations were not taken into account. The first respondent considered the appointment of the sixth respondent to remove me without considering the fact that she cannot remove me in terms of section 13 of the Khoi-San Act in consideration of the appointment of the sixth respondent in my position in terms of section 12 of the Limpopo Act.

53.5 Section 6(2)(e)(vi) of PAJA in that the action was taken arbitrarily and/or capriciously. There was no consultation with me and/or the second applicant and even the community at large and the sixth respondent was simply parachuted into the community.

53.6 Section 6(2)(e)(f) of PAJA in that the action itself contravenes a law and is not authorised by the empowering provision. The first respondent is not empowered to use section 13 of the Khoi-San act to remove a traditional leader appointed in terms of section 12 of the Limpopo Act. The sixth respondent is also disqualified to be appointed as the headman of Muswana in terms of section 9(1)(a)(ii) of the Khoi-San Act in that he is not a resident of the area of jurisdiction of the Muswana headmanship

URGENCY AND THE NEED FOR ABRIDGED TIME FRAMES

M C
PC

Total disregard of the law

54 The actions of the first respondent are a daring, blatant and total disregard of the law that should not be allowed to prevail in a constitutional democracy and in a country that respects the rule of law.

54.1 The respondents know or ought to know that a traditional leader appointed in terms of section 12 of the Limpopo Act and/or 8 of the Khoi-San Act cannot be removed through section 13(8) of the Khoi-San Act. I was appointed in terms of section 12 of the Limpopo Act, therefore, I cannot be removed through section 13(8) of the Khoi-San Act.

54.2 Further, the respondents know or ought to know that a person not nominated in terms of the process outlined in section 12 of the Limpopo Act and/or section 8 of the Khoi-San Act and/or is disqualified in terms of section 9(1)(a)(iii) of the Khoi-San Act cannot be appointed as a traditional leader. The sixth respondent was not nominated through the process outlined in section 12 of the Limpopo Act and/or section 8 of the Khoi-San Act and is currently residing at Gawula Village under the Khakhala/Shivu Traditional Authority and is, therefore, disqualified to be a headman of Muswana Village in terms of section 9(1)(a)(iii) of the Khoi-San Act.

55 This Honourable Court cannot and should not be associated with lawlessness and should at all times act to uphold the rule of law. Therefore, it is crucial for this Honourable Court to act swiftly to restore the rule of law where there is such blatant and daring total disregard thereof. In this instance, this Honourable Court

is in a position to prevent or stop lawlessness and act against total disregard of the law with immediate effect and order the appropriate procedures, as outlined in law, to be followed, if there is to be any change of leadership in the Muswana headmanship.

56. The urgency, in this instance, is created by the need to maintain law and order when doing so when the cost of doing so is better than the cost of restoring peace once they have been destroyed.

vi. of stability

57. The unlawful decision of the first respondent, Muswana Village has been a harmonious and peaceful community with no tensions among the residents on issues of traditional leadership and governance. However, the unlawful decision of the first respondent threatens to destabilise the village and/or community and create tensions that may undo peace that has characterised the village and/or community.

57. At the community meeting called by the third respondent to announce my removal and the recognition and/or appointment of the sixth respondent, which was also attended by the sixth respondent, the community became angry of the decision and rejected it and the sixth respondent. The community demanded to know the process that was followed to remove me and this was not provided. The community also demanded to know the process that was followed to recognise and/or appoint the sixth respondent and was not provided with any. It is a consensus within the community that if there is going to be the

M C
JSC

removal of the incumbent headman and the recognition and/or appointment of a new one, this should be done in a fair and transparent manner and due processes should be followed prior to such removal.

57.2 After the meeting mentioned in paragraph 56.1 above, community representatives, mandated by the community, approached me and demanded that I call my own meeting as the community wanted to say it in no uncertain terms that they were not going to have a stranger as their headman. In order to ease the tensions, I suggested to call the meeting the following Saturday on 3 January 2026 to try and calm the community before such meeting, to which they agreed. I literally avoided to fuel up tensions as it would have been irresponsible of me to do so. I respect the rule of law and would want this Honourable Court to help the Muswana community remain as stable and as peaceful as possible as restoring such stability and peace might be difficult or even impossible if allowed to be destroyed.

57.3 On 3 January 2026, I elected not to be part of the meeting and asked a senior community member, Mr Fani Machebele, to chair it. At that meeting, the community made it clear that it will not accept my removal and will not allow a stranger to be their headman, unless a due process is followed and everything is done in a fair and transparent manner before hand. I have indicated to the community that it is not my intention to resist any lawful action against me, which the community understands. All the community and I are saying is that

M.C

ensure that there would have been a better outcome if the community had been involved in the decision making process.

responded by saying it depends on the type of intervention that has been undertaken. If the intervention is something that has been developed in the long term with the community then it will make a difference but if it's something that has been imposed on the community then it will not make a difference.

61 Q) In what situations do you think the local stakeholders are involved in the decision making process?

Answers about resources

Participations within the community

There is a need to collaborate all these in order to safeguard development

but there can't be much take years to restore or may never be restored at all

Answers of land, management of development projects and general address

poor linkages can breed anxiety in the form of tree for all in the

62 Q) There is a need to protect state governance within the community for it to

Collapse of Governance

Sovereignty of the village is done within the rule of law

and to ensure that there is order in the village and everything regarding the
the community to take place and control relevance to obey the rule of law and

so many according to the existing laws of our country

63 Q) The factors in paragraph 58 i to 58.3 above require due diligence to be given
the community to take place and control relevance to obey the rule of law and

respondents have given to do so

due process must be followed before i am removed if indeed the

effective means to reward them. In essence, the state may have to spend double, paying the stipend of the sixth respondent and mine and ploughing resources to the sixth respondent; and me, should the state pay the stipend to the sixth respondent and later have to pay my backdated one when this Honourable Court would have ordered so if the current situation is allowed to go on and reversed very late, the normal court processes are to be followed. Thus, the scale has towards prevention being better than cure.

PRIMA FACIE RIGHT

62 I am the only person to have been nominated, recognized and appointed in terms of section 12 of the Limacojo Act to succeed my late father, RT Chavala and I have been performing my duties as the headman of the village for almost seven (7) years without interruption. During my reign, the village has been stable and peaceful, which stability and peace should be maintained.

63 I was duly nominated by the second applicant, and duly recognized and appointed by the first respondent and I know of no other person to have been nominated as such, least the sixth respondent.

64 I have a right to be subjected to due process and a lawful procedure if I am to be removed prior to my removal. It is treat injustice for the respondents to expect me to accept to be removed arbitrarily, unlawfully and unconstitutionally.

65 I was not appointed through section 15 of the Limacojo Act and therefore cannot be removed through section 13(8) of the Khoi-San Act. Only traditional

leaders appointed through section 15 of the Limpopo Act can be removed

through section 13(B) of the High-Security Act.

68 The responsible roll and set down for March 2026, are attempting to remove me
against them with this honourable Court, which is currently entangled in
these responsibilities. Having failed to oppose under debate an action instigated

Within my community there is a process that is fair and transparent but I have a right to refuse anything that contradicts the law and nothing arbitrary - I have no obligation to fight against lawlessness against me and my community through

WELL-GROUNDED APPREHENSION OF IRREPARABLE HARM

and it will be difficult or even impossible to reinvent it, which will lead to experiences irreparable harm in that the process, my position as the leader of the community will be eroded and I am going to experience irreparable harm in that.

67.2 My benefits, such as the stipend I am entitled to, will continue to be withheld which will create great hardship to me and my family. By the time the matter is concluded, I will have exhausted the manager

resources that I have. It will also be difficult for me to pursue my litigation without any source of income which may affect my ability to get justice on this matter.

- 87.3 With all the issues of climate change and global warming, I have instilled strict discipline in land use which prevents haphazard, unstructured and unplanned occupation of land, which does not happen in other areas under the fifth respondent. There is a risk that what is intact in my community, which is not in other communities under the fifth respondent will have been destroyed by the time the matter is settled and it will be difficult or even impossible to restore the current order once it is destroyed.
- 87.4 It is difficult to seek another course of action as inevitable and chaotic community and it is important to try by all means to keep it united and orderly. The harm to be caused in this regard is irreparable and requires to be prevented as early as it may be foreseeable under many circumstances.

THE BALANCE OF CONVENIENCE FAVOURS THE GRANTING OF AN INTERIM INJUNCTION

88 The relief sought in this application is limited in nature and seeks only the suspension of the decisions of the first respondent to remove me and to recognize and entitle the sixth respondent pending the determination of the review of the two decisions by His Honourable Court.

RELIEF SOUGHT

Court should the relief not be granted

- In the community, it is necessary and important to enforce the law and ensure that the respondents follow correct and lawful procedures in taking and implementing their decisions.
- The balance of convenience clearly favours the applicants in this regard. Any inconvenience that may be experienced by the respondents is limited to the time this matter is finalized, the respondents will have followed the right and lawful procedures as we have been directed by this court. It is crucial for this Honorable Court not to give an impression to the public that the respondents' decisions are found to be lawful and any application to review their decisions during its term of office to the law and order mitigation is the fact that by this time this matter is finalized, the respondents will have followed the right and lawful procedures as we have been directed by this court. It is crucial for this Honorable Court not to give an impression to the public that the respondents' possible delay in implementing their decisions which is mitigated by the fact that their decisions are found to be lawful and any application is dismissed. They will done so.
- In order to ensure that there is no unnecessary disruption of stability and peace in the community, it is necessary and important to enforce the law and ensure that the respondents follow correct and lawful procedures in taking and implementing their decisions.
- The relief sought will also ensure that this Honourable Court directs the respondents to follow due diligence in their actions and/or prove that they have done so.

72 The relief sought is to prevent and restrain the first respondent from removing me from my position as a headman of the Muswana Village and to prevent and restrain the first respondent to appoint the sixth respondent pending the review of such decision as set out in Section 9 of this application.

CONCLUSION

73 In the circumstances I pray for an order in terms of the Notice of Motion.

CHEBWEZA M.

DEPOMENT

I Certify that:

1. the deponent acknowledged to me that
 - 1.1 He/she knows and understands the contents of this declaration.
 - 1.2 He/she has no objection to taking the prescribed oath.
 - 1.3 He/she considers the prescribed oath to be binding on his conscience.
2. The Deponent thereafter uttered the words:
"I swear that the contents of this affidavit are, so help me God"
3. The Deponent signed this affidavit in my presence at the address set out hereunder at

True signed and sworn before me at Gijapan on this 31 day of
January 2025

R. D.

COMMISSIONER OF OATHS

FULL NAMES

ADDRESS

ANUJELA AND ANUJEE KHAKKE

COMMISSIONER OF OATHS

1567, Sector 1

Sukh

mcc 1

Home Affairs

Department:

Home Affairs

REPUBLIC OF SOUTH AFRICA

G 1580094

PSD 4.5

FROM THE HOME AFFAIRS DEPARTMENT

RECEIVED

HOME AFFAIRS DEPARTMENT

RECEIVED 13 SEPTEMBER 1994

RECORDED

| | |
|----------|-------------------|
| RECEIVED | 13 SEPTEMBER 1994 |
| RECORDED | 13 SEPTEMBER 1994 |

RECORDED



LIMPOPO
PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA

MC 2

DEPARTMENT OF
CO-OPERATIVE GOVERNANCE,
HUMAN SETTLEMENTS & TRADITIONAL AFFAIRS
(MULAMULA TRADITIONAL COUNCIL)

Ref : CH 11/5/2/2-119
Enq: NOBELA M.M
Date: 21 February 2019

THE SECRETARY
MUSWANE ROYAL COUNCIL
P.O BOX 1222
MALAMULELE
0992

APPROVAL FOR REPLACEMENT OF CHABALALA RISIMATI THOMAS
PERSAL NO. 8D062989 AND RECOGNITION OF CHABALALA MASTER ID NO.
87111657 32086 AS HEADMAN OF MUSWANE VILLAGE UNDER MULAMULA
TRADITIONAL COUNCIL.

Kindly be informed that, The Honourable Premier has with effect from 26 September 2018 approved the recognition of Chabalala Master as Headman of Muswane village in terms of section 12(1)(b) of Limpopo Traditional Leadership and Institutions Act No. 6 of 2005 as amended.

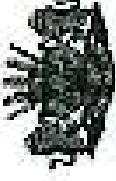
Kindly inform Chabalala Royal Family accordingly.

T.H. Mafamula
HOJI MULAMULA

| |
|---|
| DEPARTMENT OF CO-OPERATIVE GOVERNANCE, HUMAN SETTLEMENTS & TRADITIONAL AFFAIRS |
| MULAMULA TRADITIONAL COUNCIL |
| 21 FEB 2019 |
| BOX 1201 MALAMULELE 0992 |
| VHEMBE DISTRICT SUPPORT CENTRE |

p/c

DA 10



LIMPOPO

PROVINCIAL GOVERNMENT

DEPARTMENT OF
CO-OPERATIVE GOVERNANCE,
HUMAN SETTLEMENTS & TRADITIONAL AFFAIRS
(MULAMULA TRADITIONAL COUNCIL)

Ref: CH 1115/2/2/2-1-19
Enq: NOBELA M.M
Date: 21 February 2019

THE SECRETARY
MUSWANE ROYAL COUNCIL
P.O BOX 1222
MALAMULELE
0882

APPROVAL FOR REPLACEMENT OF CHABALALA RISMATI THOMAS
PERSONAL NO. 8D062989 AND RECOGNITION OF CHABALALA MASTER ID NO.
87111657 32088 AS HEADMAN OF MUSWANE VILLAGE UNDER MULAMULA
TRADITIONAL COUNCIL.

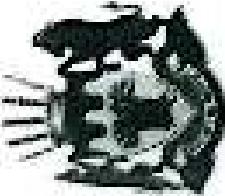
Kindly be informed that, The Honourable Premier has with effect from 26 September 2018 approved the recognition of Chabalala Master as Headman of Muswane village in terms of section 12(1)(b) of Limpopo Traditional Leadership and Institutions Act No. 6 of 2005 as amended.

Kindly inform Chabalala Royal Family accordingly.

Hosi Mulamula
HO SI MULAMULA

| |
|--|
| RECEIVED ON CO-OPERATIVE HUMAN SETTLEMENTS & TRADITIONAL AFFAIRS |
| MULAMULA |
| TRADITIONAL COUNCIL |
| 21 FEB 2019 |
| BOX 1201 MALAMULELE |
| 0882 |
| WHEMEL DISTRICT SUPPORT CTR |

13



cognition

Operational
Cooperation
and
Human Resource

HUMAN & TRADITIONAL HERBAL MEDICINE

HUMAN & TRADITIONAL HERBAL MEDICINE

HUMAN & TRADITIONAL HERBAL MEDICINE

SALARY ADVICE

...I am now writing to you to let you know that I have been offered a position at the University of Michigan in Ann Arbor. I am very excited about this opportunity and I would like to thank you for your support and encouragement throughout my academic career.

CONFIDENTIAL



1111 1111 1111

Our Ref : 04110211 - 406/2025(TM)

Enquiries : Adv MT Mantipane

Tel : 015 287 6343

14 September 2025

Mr. Chabalala Master

Muswani Village

Mulanula Traditional Community

Vhembe District

Dear Mr. M Chabalala

RE: LAPSE OF ACTING APPOINTMENT: CHABALLA MASTER PERSAL NO: 84907380
AS ACTING HEADMAN OF MUSWANI VILLAGE UNDER MULANULA TRADITIONAL
COMMUNITY IN VHEMBE DISTRICT IN TERMS OF THE TRADITIONAL AND KHOSI-SAN
LEADERSHIP ACT, 2018 (ACT NO. 03 OF 2018) (TKLA).

1. The above subject matter refers.
2. Section 13(2) of the TKLA provides that, whenever the successor to a leadership position has been identified or elected, any relevant acting recognition shall automatically lapse on the date on which the relevant leader is recognised by notice in the Provincial Gazette.
3. Your acting appointment as the acting headman of Muswani Village will therefore automatically lapse on the date that the recognition of Chabalala Magal Janes as the headman of Muswani Village is published in the Provincial Gazette.

Yours faithfully

A handwritten signature in black ink, appearing to read "M Chabalala".

1111 1111 1111

MRPC KUTSINDAS
LIMPOPO PROVINCE

MC
MC

MC 5

No. 3747-10

PROVINCIAL KOMMUNIKANT, 24 OKTOBER 2023

GENERAL NOTICE 679 OF 2023

LIMPOPO PROVINCIAL ADMINISTRATION

OFFICE OF THE PREMIER

NOTICE BY THE PREMIER OF LIMPOPO

TRADITIONAL AND KHOSA LEADERSHIP ACT, 2019 (ACT NO. 3 OF 2019)

I, Phophi Constance Ramathuba:

- (i) hereby recognise the person below as Headman in terms of section 8(3)(a) of the Traditional and Khoi-San Leadership Act, 2019 (Act No. 03 of 2019):

| NAME | IDENTITY NUMBER | VILLAGE | TRADITIONAL COMMUNITY | EFFECTIVE |
|------------------------|-----------------|---------|-----------------------|-----------|
| Chabala's Magezi James | 500505 5851 085 | Muswani | Mulamula | |

DATED AT POLOKWANE ON THIS 13-11-2023


DR PHOPHI CONSTANCE RAMATHUBA
PREMIER: LIMPOPO

mcb

031 201 1313
mgejoattorneys@gmail.com



HOUSE NO: 1143 Section E
Gyani
PO BOX 40533
VAHLAVI 056

OUR REF: MGEJO/CIV/24/2025 05/01/2025
YOUR REF: 9/1/1/2/1/1/406/2025(TM)

To: Premier of Limpopo Province
Moshaweng Building
40 Hans Van Rensburg Street
Polokwane
0700

| | |
|------------------|-------------|
| RECEIVED | 07 JAN 2025 |
| SEARCHED | 07 JAN 2025 |
| SERIALIZED | 07 JAN 2025 |
| HOD REGISTER | |
| LIMPOPO PROVINCE | |

And to: MEC for Cooperative Governance,
Human Settlements and Traditional Affairs
Limpopo Province
29 Market Street/ 20 Rabie Street
Polokwane 0700

URGENT REINSTATEMENT OF HEADMAN MASTER CHABALALA ("HEADMAN MUSWANA")

1. Your letter dated 23 September 2025 and the annexed Notice thereof of even date have reference;
2. We act for and on behalf of HEADMAN MASTER CHABALALA ("our Client");
3. We have an instruction to demand the immediate reinstatement of our client to the position of Headman of Muswana Village under the Mulamula Traditional Authority with immediate effect on the following grounds:

MS VD MGEJO: LLB (UNIVEN) | LABOUR DISPUTE RESOLUTION CERT (JUP)
SERVICES:

CIVIL LITIGATION | CRIMINAL LITIGATION | RAII CLAIMS | DECEASED ESTATE | LABOUR MATTERS | DEBT COLLECTION
UNLAWFUL ARREST | DRAFTING OF CONTRACTS | PENSION FUND CLAIMS | LAND CLAIMS | DIVORCE

prc

MC

PLA 238 2313

rxpattorneys@gmail.com



REPRESENTATIVE ATTORNEYS

HOUSE NO: 1143 Section E
Gyani
PO BOX 4053
VAHLEN 086

- (a) Our client was appointed to the position of Headman of Muswana Village in terms of section 12(1)(b) of the Limpopo Traditional Leadership and Institutions Act 6 of 2006. Therefore, our client cannot be removed through the provisions of section 13(8) of the Traditional and Khoi-San Leadership Act 3 of 2019 ("Khoi-San Act").
- (b) Mr Mgezi James Chabalela ("New Headman"), whom you have designated as the new Headman of Muswana Village, is disqualified for the position in terms of section 9(1)(a)(ii) of the Khoi-San Act which renders his appointment irregular and unlawful.
- (c) The New Headman is not in the current ruling lineage and has not lodged any dispute in terms of section 59 of the Khoi-San Act. Consequently, his appointment as headman through section 8(3)(a) is unlawful.
- (d) In terms of the grounds in (a) to (c) above, recognizing the New Headman through section 8 of the Khoi-San is irregular and unlawful.
4. Take notice further that your action in this regard is arbitrary and in violation of section 211(1) and (3) of the Constitution of the Republic of South Africa ("the Constitution") and various provisions of section 6 of the Promotion of the Administrative Justice Act 3 of 2000 ("PAJA").
 5. You have 10 calendar days from date of receipt of this letter to communicate to this office your reinstatement of our client to his position of headman, failure which we have instruction to seek relief from the relevant court on an urgent basis and to ask for punitive costs therefrom.

Regards

MGEJO

MS VO MGEJO: LLB (UNIVEN) | LABOUR DISPUTE RESOLUTION CERT (UP)
SERVICES:

CIVIL LITIGATION | CRIMINAL LITIGATION | RAF CLAIMS | DECEASED ESTATE | LABOUR MATTERS | DEBT COLLECTION
UNLAWFUL ARREST | DRAFTING OF CONTRACTS | PENSION FUND CLAIMS | LAND CLAIMS | DIVORCE

IN THE HIGH COURT OF SOUTH AFRICA
LIMPOPO LOCAL DIVISION, THOHOYANDOU

Case no _____

In the matter between:

MASTER CHABALALA

First Applicant

MUSWANA ROYAL FAMILY

Second Applicant

ARC

PREMIER OF LIMPOPO PROVINCE

First Respondent

LIMPOPO MEC FOR COOPERATIVE GOVERNANCE,

Second Respondent

HOUSING AND TRADITIONAL AFFAIRS

Third Respondent

DESMOND MALULEKE

Fourth Respondent

MULAMULA ROYAL FAMILY

Fifth Respondent

MULAMULA TRADITIONAL AUTHORITY

Sixth Respondent

MAGEZI JAMES CHABALALA

CONFIRMATORY AFFIDAVIT

I, the undersigned,

MARKS CHABALALA

Do hereby make oath and say that:

M S

RSC

4. I am an adult female currently residing at Stand no. 74 Muewana Village, Muamula traditional Authority Collins Chabane Local Municipality, Vhembo district, Limpopo Province.
5. The facts contained in this affidavit are true and save where the contrary appears from the context or is otherwise stated, are within my personal knowledge. Where I deal with questions of law, I do so on the advice given by the Applicant's legal Representatives.
6. I have read the affidavit of the first applicant in this matter and I confirm the contents thereof in so far as it relates to me.

Matse
DEPONENT

I Certify that:

3. the deponent acknowledged to me that
- 5.1 He/she knows and understands the contents of this declaration.
- 5.2 He/she has no objection to taking the prescribed oath.
- 5.3 He/she considers the prescribed oath to be binding on his conscience
6. The Deponent thereafter uttered the words:
"I swear that the contents of this affidavit are, so help me God"
7. The Deponent signed this affidavit in my presence at the address set out hereunder at

Thus signed and sworn before me at GUYANI on this 31 day of
January 2026



COMMISSIONER OF OATHS
FULL NAMES
ADDRESS

AMUKELANI GANNY CHAUKE
COMMISSIONER OF OATHS
1327, SECTION E
GUYANI

IN THE HIGH COURT OF SOUTH AFRICA
LIMPOPO LOCAL DIVISION, THOHOTANDOU

Case No. _____

In the matter between:

MASTER CHABALALA

First Applicant

MUSWANA ROYAL FAMILY

Second Applicant

and

PREMIER OF LIMPOPO PROVINCE

First Respondent

LIMPOPO MEC FOR COOPERATIVE GOVERNANCE,

Second Respondent

HOUSING AND TRADITIONAL AFFAIRS

Third Respondent

DESMOND MALULEKE

Fourth Respondent

MULAMULA ROYAL FAMILY

Fifth Respondent

MULAMULA TRADITIONAL AUTHORITY

Sixth Respondent

MAGEZI JAMES CHABALALA

CONFIRMATORY AFFIDAVIT

I, the undersigned,

FANI MACHEBELE

Do hereby make oath and say that.

J. M

PIC

1. I am an adult male currently residing at Stand no. 805 Muswana Village Mulamula traditional Authority, Collins Chabane local Municipality, Mmabane district, Limpopo Province
2. The facts contained in this affidavit are true, and save where the contrary appears from the context or is otherwise stated, are within my personal knowledge. Where I deal with questions of law, I do so on the advice given by the Appellant's legal Representatives.
3. I have read the affidavit of the first applicant in this matter and I confirm the contents thereof in so far as it relates to me.

Wilechelle T

DEPOVENT

I certify that:

2. the deponent acknowledged to me that
 - 3.1. He/she knows and understands the contents of this declaration.
 - 3.2. He /she has no objection to taking the prescribed oath.
 - 3.3. He/she considers the prescribed oath to be binding on his conscience
4. The Deponent thereafter uttered the words:
"I swear that the contents of this affidavit are, so help me God"
5. The Deponent signed this affidavit in my presence at the address set out hereunder at

Thus signed and sworn before me at Gaborone on this 3 / day of
January 2026

A.C.J.
COMMISSIONER OF OATHS

FULL NAMES

ADDRESS

ANNEKE LANI BANNY CHALIKE
COMMISSIONER OF OATHS
M&P, SECTION 1
GABORONE

IN THE HIGH COURT OF SOUTH AFRICA
LIMPOPO LOCAL DIVISION, THOHYANDOU

Case no. 254/2026

In the matter between:

MASTER CHABALALA

First Applicant

MUSWANA ROYAL FAMILY

Second Applicant

and

PREMIER OF LIMPOPO PROVINCE

First Respondent

LIMPOPO MEC FOR COOPERATIVE GOVERNANCE,

HOUSING AND TRADITIONAL AFFAIRS

Second

Respondent

DESMOND MALULEKE

Third Respondent

MULAMULA ROYAL FAMILY

Fourth Respondent

MULAMULA TRADITIONAL AUTHORITY

Fifth

Respondent

MAGEZI JAMES CHABALALA

Sixth Respondent

NOTICE IN TERMS OF RULE 41A

TAKE NOTICE THAT the Applicants agree to the referral of this matter to mediation.

The Applicants do so for the following reason:

Restoration of position without protracted litigation.

Mediation may result in the reinstated of the Applicant as Headman, or an agreed interim arrangement, without delay, particularly where litigation may take several years.

TAKE FURTHER NOTICE THAT in the event that there mutual agreement to refer the matter to mediation the Applicant proposes the chairperson of the Limpopo House of Traditional Leaders to facilitate the mediation.

SIGNED and DATED at GIYANI on this 23rd day of January 2026.



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APPLICANT'S ATTORNEYS
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TO : THE REGISTRAR OF THE
ABOVE HONOURABLE COURT,
THOHOKWANO

AND TO: PREMIER OF LIMPOPO PROVINCE
Moereneeng Building
40 Hans Van Rensburg Street
Polokwane
0899
(First respondent)

AND TO: LIMPOPO MEC FOR COOPERATIVE GOVERNANCE,
HOUSING AND TRADITIONAL AFFAIRS (CoGHTA)
Limpopo Province
20 Rabe Street
Polokwane
0700
(Second Respondent)

AND TO: DESMOND MAHLIKEKE
Stand no. 450
Dumela village
Malamulete
0933
(Third Respondent)

AND TO: MULAMULA ROYAL FAMILY
Stand no. 450
Dumela village

Malamulele
0933
(Fourth Respondent)

AND TO: MULAMULA TRADITIONAL AUTHORITY
Stand no .453
Dumela village
Malamulele
0933
(Fifth Respondent);

AND TO: MAGEZI JAMES CHABALALA
Gawula village
Next to ka ndove and manjosi also next maluleke station
Giyani
0623