

COURT ONLINE COVER PAGE

**IN THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG**

CASE NO: 2026-260309

In the matter between:

DEMOCRATIC ALLIANCE

Plaintiff / Applicant / Appellant

and

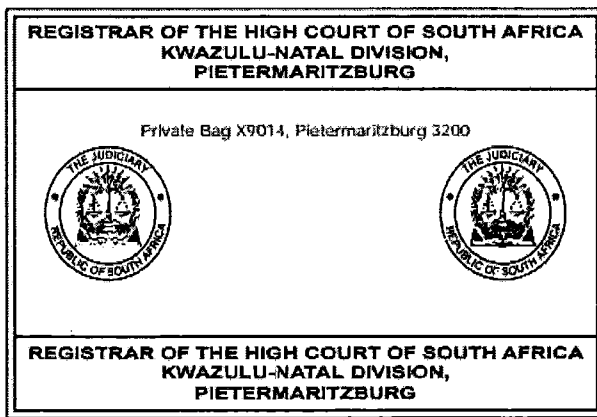
**ENDUMENI LOCAL MUNICIPALITY, THE
MUNICIPAL COUNCIL OF ENDUMENI
LOCAL MUNICIPALITY, THE MAYOR OF
ENDUMENI LOCAL MUNICIPALITY, THE
SPEAKER OF ENDUMENI LOCAL
MUNICIPALITY, THE MUNICIPAL
MANAGER OF ENDUMENI LOCAL
MUNICIPALITY, THE EXECUTIVE
COUNCIL OF THE PROVINCE OF
KWAZULU-NATAL, THE PREMIER OF
THE PROVINCE OF KWAZULU-
NATAL, THE MEMBER OF THE
EXECUTIVE COUNCIL FOR
COOPERATIVE GOVERNANCE AND
TRADITIONAL AFFAIRS KWAZULU
NATAL, THE MEMBER OF THE
EXECUTIVE COUNCIL FOR FINANCE
KWAZULU NATAL, THE MINISTER OF
COOPERATIVE GOVERNANCE AND
TRADITIONAL AFFAIRS**

Defendant / Respondent



Notice of Motion (Long Form)

NOTE: This document was filed electronically by the Registrar on 20/10/2026 at 11:08:10 AM South African Standard Time (SAST). The time and date the document was filed by the party is presented on the header of each page of this document.



ELECTRONICALLY SIGNED
BY:

Registrar of The High
Court, KwaZulu-Natal,
Pietermaritzburg.

**IN THE HIGH COURT OF SOUTH AFRICA
KWAZULU – NATAL DIVISION, PIETERMARITZBURG**

CASE NO. _____

In the matter between:

DEMOCRATIC ALLIANCE

and

ENDUMENI LOCAL MUNICIPALITY

**THE MUNICIPAL COUNCIL OF
ENDUMENI LOCAL MUNICIPALITY**

THE MAYOR OF ENDUMENI LOCAL MUNICIPALITY

THE SPEAKER OF ENDUMENI LOCAL MUNICIPALITY

**THE MUNICIPAL MANAGER OF
ENDUMENI LOCAL MUNICIPALITY**

**THE EXECUTIVE COUNCIL OF THE
PROVINCE OF KWAZULU-NATAL**

**THE PREMIER OF THE PROVINCE
OF KWAZULU-NATAL**

**THE MEMBER OF THE EXECUTIVE
COUNCIL FOR COOPERATIVE
GOVERNANCE AND TRADITIONAL
AFFAIRS, KWAZULU-NATAL**

**THE MEMBER OF THE EXECUTIVE
COUNCIL FOR FINANCE,
KWAZULU-NATAL**

**THE MINISTER OF COOPERATIVE
GOVERNANCE AND TRADITIONAL
AFFAIRS**

Applicant

First Respondent

Second Respondent

Third Respondent

Fourth Respondent

Fifth Respondent

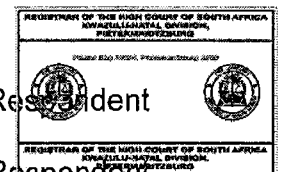
Sixth Respondent

Seventh Respondent

Eighth Respondent

Ninth Respondent

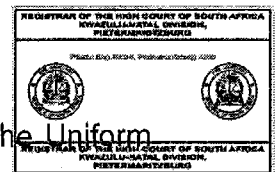
Tenth Respondent



DA'S NOTICE OF MOTION

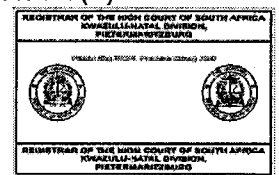
KINDLY TAKE NOTICE that the applicant intends to make application to the above Honourable Court on **TUESDAY 23 NOVEMBER 2026 at 09h30**, or so soon thereafter as counsel may be heard, for an order in the following terms:

- 1 Dispensing with the forms, service and time periods provided for in the Uniform Rules of Court, and directing that this application be heard as one of urgency in terms of Rule 6(12)(a). Condoning the applicant's non-compliance with the forms, service and time periods provided for in the Uniform Rules of Court, to the extent necessary.
- 2 Declaring that the first and second respondents have failed to comply with sections 16(1), 24 and 25 of the Local Government: Municipal Finance Management Act 56 of 2003 ("the MFMA"), in that the second respondent did not approve an annual budget for the 2026/27 financial year, or the revenue-raising measures necessary to give effect to it, before the start of the budget year on 1 July 2026, did not reconsider and vote on the budget as section 25 requires, and has not approved a budget since.
- 3 Declaring that the failure of the sixth, seventh and eighth respondents to intervene in the first respondent in terms of section 139(4) of the Constitution of



the Republic of South Africa, 1996 ("the Constitution"), read with section 26(1) of the MFMA, is inconsistent with the Constitution and unlawful.

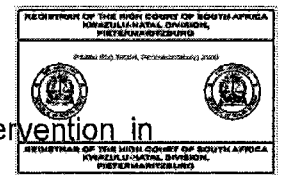
- 4 Declaring that the resolution of the sixth respondent to provide support to municipalities in terms of section 154(1) of the Constitution, and the appointment of a technical expert to the first respondent pursuant to that resolution, do not constitute compliance with section 139(4) of the Constitution or section 26(1) of the MFMA.



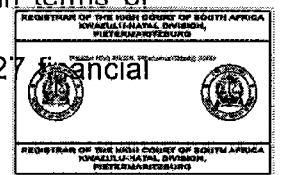
- 5 Directing the sixth respondent, within five (5) court days of the date of this order, to intervene in the first respondent in terms of section 139(4) of the Constitution read with section 26(1) of the MFMA, by taking any appropriate steps to ensure that an annual budget for the 2026/27 financial year, and the revenue-raising measures necessary to give effect to it, are approved, and that the first respondent continues to function lawfully pending such approval, which steps may include, without limitation:

- 5.1 approving a temporary budget to provide for the continued functioning of the first respondent until an annual budget for the 2026/27 financial year has been approved;
- 5.2 approving temporary revenue-raising measures, including the rates and tariffs necessary to enable the first respondent to levy and bill property rates and service charges for the 2026/27 financial year, until such measures have been approved by the second respondent; and

- 5.3 if the sixth respondent considers it appropriate, dissolving the second respondent and appointing an administrator until a newly elected municipal council has been declared elected.
- 6 Directing the seventh and eighth respondents to take all steps within their respective powers that are necessary to give effect to paragraphs 5 and 8 of this order.
- 7 Directing the sixth respondent to submit a written notice of the intervention in terms of section 139(6) of the Constitution within seven (7) days of the intervention commencing, and to deliver a copy of that notice to the applicant's attorneys of record within the same period.
- 8 Directing that, if no annual budget for the 2026/27 financial year has been approved by the date of this order:
- 8.1 the third respondent shall table an annual budget for the 2026/27 financial year, together with the resolutions contemplated in section 24(2) of the MFMA, before the second respondent within thirty (30) days of the first meeting of the second respondent held in terms of section 29(1) of the Local Government: Municipal Structures Act 117 of 1998 following the general election of municipal councils on 4 November 2026, or within thirty (30) days of the date of this order, whichever is the later;



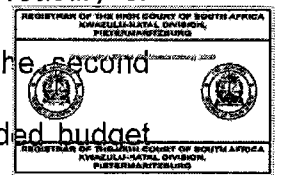
- 8.2 the first respondent shall comply with sections 22 and 23 of the MFMA in respect of that budget within the shortest period those sections permit;
- 8.3 the fourth respondent shall convene a meeting of the second respondent to consider and vote on that budget within twenty-one (21) days of its tabling, and section 25 of the MFMA shall apply if it is not approved; and
- 8.4 the sixth respondent shall continue to take appropriate steps in terms of paragraph 5 of this order until an annual budget for the 2026/27 financial year has been approved.
- 9 Directing the third respondent, within five (5) court days of the date of this order, to the extent that the third respondent has not already done so, to comply with section 25(3) read with section 55 of the MFMA, and to deliver a copy of the report so submitted to the applicant's attorneys of record.
- 10 Directing the fifth and ninth respondents, within ten (10) court days of the date of this order, to deliver a report on affidavit to this Court setting out:
- 10.1 the date, terms and conditions of any approval granted by the ninth respondent in terms of section 26(4) of the MFMA in respect of the first respondent, together with a copy of that approval;
- 10.2 the total expenditure incurred by the first respondent in each month since 1 July 2026, the votes against which that expenditure was incurred, and



whether that expenditure fell within that approval and the limits imposed by section 26(5) of the MFMA;

10.3 the property rates and service charges that the first respondent has billed for each month since 1 July 2026, and the basis on which it has done so; and

10.4 any assessment conducted by the KwaZulu-Natal Provincial Treasury or the National Treasury of the 2026/27 budget tabled before the second respondent, including any assessment of whether it was a funded budget as contemplated in section 18 of the MFMA.



11 Directing the sixth, seventh and eighth respondents to deliver a report on affidavit to this Court within fifteen (15) court days of the date of this order, and thereafter every thirty (30) days until an annual budget for the 2026/27 financial year has been approved, setting out:

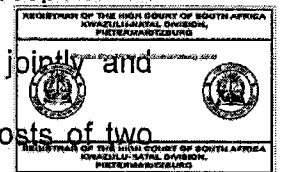
11.1 the steps taken to comply with paragraphs 5 to 8 of this order;

11.2 the status of the approval of the 2026/27 annual budget and the revenue-raising measures necessary to give effect to it, and the date on which they are to be considered and approved; and

11.3 the measures implemented to ensure the continued lawful functioning of the first respondent pending the approval of its annual budget, including any temporary budget or temporary revenue-raising measures approved.

12 Granting the applicant leave to deliver a response to any report delivered in terms of paragraphs 10 and 11 of this order within ten (10) court days of its delivery, and to approach this Court on the same papers, duly supplemented, for further or consequential relief, including relief arising from section 139(7) of the Constitution.

13 Directing the sixth, seventh and eighth respondents, and any other respondent who opposes this application, to pay the costs of this application jointly and severally, the one paying the others to be absolved, including the costs of two counsel where so employed, on scale C.



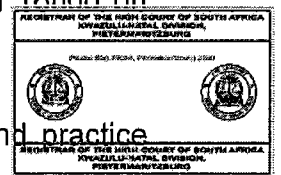
14 Granting the applicant further and/or alternative relief.

TAKE NOTICE FURTHER that the founding affidavit of **MOHAMED SALEEM ABDOOL**, together with the annexures thereto, including the confirmatory affidavit of Councillor N.M. Gopie, will be used in support of this application.

TAKE NOTICE FURTHER that the applicant has appointed the offices of its attorneys of record, **MINDE SCHAPIRO & SMITH INC.**, care of its Pietermaritzburg correspondent attorneys at the address set out below, as the address at which it will accept notice and service of all process in these proceedings. The applicant will also accept service by email at venesen@mindes.co.za and karin@mindes.co.za.

TAKE NOTICE FURTHER that the following timetable applies:

- (a) any respondent who intends to oppose this application must notify the applicant's attorneys in writing by no later than **12h00 on TUESDAY, 20 OCTOBER 2026**, and in that notification appoint an address within 25 kilometres of the office of the Registrar of this Court, and an email address, at which it will accept notice and service of all documents in these proceedings;
- (b) any respondent who opposes must deliver its answering affidavits by no later than 16h00 on **TUESDAY 10 NOVEMBER 2026**;
- (c) the applicant will deliver its replying affidavit, if any, by no later than 16h00 on **FRIDAY, 13 NOVEMBER 2026**;
- (d) the applicant will deliver its heads of argument, list of authorities and practice note by no later than 16h00 on **TUESDAY, 17 NOVEMBER 2026**; and
- (e) any respondent who opposes must deliver its heads of argument, list of authorities and practice note by no later than 16h00 on **FRIDAY, 20 NOVEMBER 2026**.



TAKE NOTICE FURTHER that if no notice of intention to oppose is delivered by the time stated above, the applicant will apply for the relief set out above on the date and at the time first mentioned.

KINDLY ENROL THE MATTER ON THE URGENT COURT ROLL ACCORDINGLY.

MINDE SHAPIRO AND SMITH INC

Tyger Valley Office Park, Building Number 2
Cnr Willie van Schoor and Old Oak Roads
Belville, Cape Town

Tel: 021 918 9000

Email: venesen@mindes.co.za; karin@mindes.co.za

c/o PGPS ATTORNEY

VICTORIA COUNTRY CLUB,

OFFICE PARK, GROUND FOOR 12.

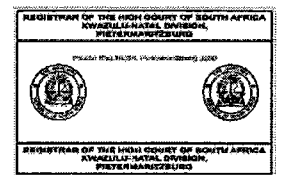
MONTROSE PARK BOULEVARD, PIETERMARITZBURG

TEL: 033 8151572

EMAIL: arashni@pgpslaw.co.za

REF: Rob Stuart-Hill/Arashni

TO: REGISTRAR
KWAZULU- NATAL DIVISION
PIETERMARITZBURG



AND TO: ENDUMENI LOCAL MUNICIPALITY
(First Respondent)
64 Victoria street, DUNDEE

AND TO: THE MUNICIPAL COUNCIL OF ENDUMENI LOCAL MUNICIPALITY
(Second Respondent)
64 Victoria street, DUNDEE

AND TO: THE MAYOR OF ENDUMENI LOCAL MUNICIPALITY
(Third Respondent)
64 Victoria street, DUNDEE

AND TO: THE SPEAKER OF ENDUMENI LOCAL MUNICIPALITY
(Fourth Respondent)
64 Victoria street, DUNDEE

AND TO: THE MUNICIPAL MANAGER OF ENDUMENI LOCAL MUNICIPALITY

(Fifth Respondent)

64 Victoria Street, Dundee, 3000

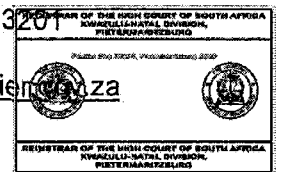
Email: vilakazim@endumeni.gov.za

AND TO: THE EXECUTIVE COUNCIL OF THE PROVINCE OF KWAZULU-NATAL

(Sixth Respondent)

Moses Mabhida Building, 300 Langalibalele Street, Pietermaritzburg, 3201

Email: Nondumiso.chili@kznpremier.gov.za; Noxolo.nene@kznpremier.gov.za



AND TO: THE PREMIER OF THE PROVINCE OF KWAZULU-NATAL

(Seventh Respondent)

Moses Mabhida Building, 300 Langalibalele Street, Pietermaritzburg, 3201

Email: Nondumiso.chili@kznpremier.gov.za; Noxolo.nene@kznpremier.gov.za

AND TO: THE MEC FOR COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS, KWAZULU-NATAL

(Eighth Respondent)

8th Floor, Wadley House, 115 Jabu Ndlovu Street, Pietermaritzburg, 3201

Email: Nondumiso.ngwenya@kzncogta.gov.za
Sheetal.govender@kzncogta.gov.za ; HODPA@kzncogta.gov.za

AND TO: THE MEC FOR FINANCE, KWAZULU-NATAL

(Ninth Respondent)

c/o The State Attorney, Pietermaritzburg

Email: Sibiniso.Sibisi@kzntreasury.gov.za; Thulile.ndlovu@kzntreasury.gov.za

AND TO: THE MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

(Tenth Respondent)

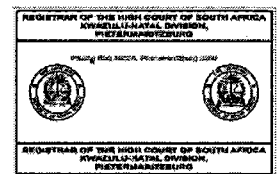
87 Hamilton street, Arcadia, Pretoria

Per email: PearlB@cogta.gov.za ; Ministry@cogta.gov.za

AND TO: THE STATE ATTORNEY (PIETERMARITZBURG)

Satellite Office, 2nd Floor, Magistrate's Court Building

Pietermaritzburg



THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION, PIETERMARITZBURG

Case No:

In the matter between:

DEMOCRATIC ALLIANCE

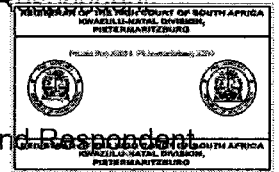
Applicant

and

ENDUMENI LOCAL MUNICIPALITY

First Respondent

**THE MUNICIPAL COUNCIL OF ENDUMENI LOCAL
MUNICIPALITY**



Second Respondent

THE MAYOR OF ENDUMENI LOCAL MUNICIPALITY

Third Respondent

THE SPEAKER OF ENDUMENI LOCAL MUNICIPALITY

Fourth Respondent

**THE MUNICIPAL MANAGER OF ENDUMENI LOCAL
MUNICIPALITY**

Fifth Respondent

**THE EXECUTIVE COUNCIL OF THE PROVINCE OF KWAZULU-
NATAL**

Sixth Respondent

THE PREMIER OF THE PROVINCE OF KWAZULU-NATAL

Seventh Respondent

**THE MEMBER OF THE EXECUTIVE COUNCIL FOR
COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS,
KWAZULU-NATAL**

Eighth Respondent

**THE MEMBER OF THE EXECUTIVE COUNCIL FOR FINANCE,
KWAZULU-NATAL**

Ninth Respondent

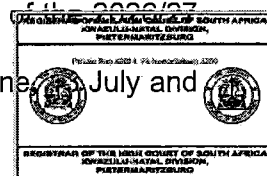
**THE MINISTER OF COOPERATIVE GOVERNANCE AND
TRADITIONAL AFFAIRS**

Tenth Respondent

CERTIFICATE OF URGENCY

We, the undersigned, counsel for the applicant, certify that we have considered the notice of motion and the founding affidavit of **Mohamed Saleem Abdool**, on behalf of the **Democratic Alliance** together with its annexures, and that in our opinion this application is one of urgency which should be heard on **Monday, 23 November 2026**, in accordance with the timetable set out in the notice of motion. Our reasons are as follows.

- 1 Endumeni Local Municipality has had no approved budget since the start of the 2026/27 financial year on 1 July 2026. The Council failed to approve one on 30 June, 30 July and 31 July 2026, and has not voted on one since.

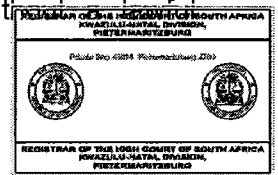


- 2 Section 139(4) of the Constitution and section 26(1) of the Local Government: Municipal Finance Management Act 56 of 2003 oblige the KwaZulu-Natal Provincial Executive to intervene where a municipality does not approve its budget. For more than three months it has not done so. Its only response has been support under section 154 of the Constitution, which is not an intervention. The breach is continuing.

- 3 The harm to the Municipality and its residents is serious, mounting and irreversible:

- 3.1 no rates or tariff resolutions have been adopted, and no property rates or refuse accounts have been issued since 1 July 2026 — revenue of roughly R12.4 million a month on the Municipality's own budget;
- 3.2 the Municipality owes Eskom approximately R600 million, with no payment arrangement in place, placing electricity supply at risk;
- 3.3 creditors, including security service providers, are unpaid, and the Municipality's cash reserves are small in relation to its monthly employee costs alone; and

- 3.4 services, infrastructure projects and indigent support are being disrupted, to the prejudice of the poorest residents.
- 4 The local government elections on 4 November 2026 will not produce a budget. A newly elected council will not realistically approve one before 2027. Unless the Provincial Executive is ordered to intervene, including by approving a temporary budget and temporary revenue-raising measures, the Municipality will remain with its current financial framework for most of the financial year.
- 5 The applicant will not obtain substantial redress at a hearing in due course. In the ordinary course the application would not be heard for six months or more, by which time the 2026/27 financial year would be largely over.
- 6 The urgency is not self-created. The applicant awaited the outcome of the province's own deadlines, addressed a detailed letter of demand to the provincial respondents on 3 September 2026, allowed the period for a response to expire on 17 September 2026 without any reply, and then assembled the facts and documents on which the application depends.
- 7 The departure from the Uniform Rules is no greater than the circumstances require. The application has been set down for 24 November 2026, and the respondents have until 10 November 2026 to deliver answering affidavits, with heads of argument to be exchanged before the hearing. That gives the respondents ample time to answer fully. The central facts are common cause or within the respondents' own knowledge, and no prejudice can arise.

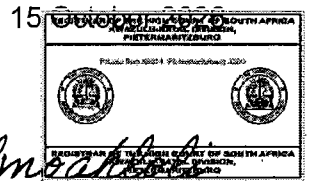


SIGNED at CAPE TOWN on this 16th day of OCTOBER 2026.

KESSLER PERUMALSAMY

Counsel for the Democratic Alliance

Chambers, Cape Town



LERATO MOAHLOLI

Counsel for the DA

Chambers, Cape Town

15 October 2026