



THE SUPREME COURT OF APPEAL OF SOUTH AFRICA
MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE SUPREME COURT OF
APPEAL

From: The Registrar, Supreme Court of Appeal

Date: 18 September 2025

Status: Immediate

The following summary is for the benefit of the media in the reporting of this case and does not form part of the judgments of the Supreme Court of Appeal

Greater Bloemfontein Taxi Association and Another v Retscheditsoe Issac Mafisa (664/2024)
[2025] ZASCA 135 (18 September 2025)

Today, the Supreme Court of Appeal (SCA) handed down judgment in which the appeal was upheld in part.

This appeal concerned a dispute over the validity and enforceability of an operating permit at the Majakathata Taxi Rank in Bloemfontein. The respondent, Mr Mafisa, approached the Free State High Court (the High Court) on an urgent, ex parte basis, seeking to interdict the Greater Bloemfontein Taxi Association (GBTA) and its member, Mr Maphisa, from preventing him and his drivers from loading passengers at the rank. He relied on an operating permit which he had acquired through Ms Mei, the previous holder, and argued that the permit gave him a clear right to load passengers. The High Court granted the interdict, but the appellants challenged this order in the Supreme Court of Appeal.

On appeal, the appellants contended that the permit Mr Mafisa relied upon was unlawfully obtained in contravention of section 77 of the National Land Transport Act 5 of 2009, which prohibits the cession or alienation of operating licences or permits except under section 58 of the Transport Act 5 of 2009. They further argued that Mr Mafisa's conduct at the taxi rank contravened the rules of the Majakathata Association, to which both they and Ms Mei belonged, by "jumping the queue" and refusing to load in the numerical order determined by membership.

The SCA, per Weiner JA, acknowledged that there two key factual disputes: first, whether the licence and permit were correctly granted, though on its face the permit appeared valid and had

never been set aside; and second, whether the respondent was violating the association's rules by attempting to load passengers independently rather than under the rights linked to Ms Mei.

The SCA considered evidence presented by the appellants of an agreement reached at a meeting on 26 October 2022, in which it was decided that Mr Mafisa would temporarily load passengers under Ms Mei's permit until the matter was finalised by either the GBTA or a court. Ultimately, the SCA held that the dispute could not be resolved on the papers, and therefore the final order ought not to have been granted. Nonetheless, the SCA found, if it is accepted that an agreement had been concluded, the foundation of the final order is not justified by the facts or evidence. Therefore, applying the *Plascon-Evans* rule, the SCA found that the appellants' version that such an agreement was reached was the most probable version.

The SCA consequently upheld the appeal in part. While confirming that Mr Mafisa could not be barred from operating under his permit, the court tempered this right by ordering that his loading activities be conducted temporarily under Ms Mei's permit, subject to compliance with the association's rules, until the dispute was properly resolved. The appellants were granted sixty days to institute review proceedings or any other appropriate action, failing which the temporary arrangement would lapse.

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