



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: 14 November 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

Naledi Local Municipality and Others v Appolus and Others (122/2024) [2025] ZASCA 171 (14 November 2025)

Today, the Supreme Court of Appeal (SCA) dismissed an appeal from the North West Division of the High Court, Mafikeng (the high court) and ordered the third to fifth appellants to personally pay the costs of this appeal, including the costs of the applications for leave to appeal on a party and party scale, jointly and severally, the one paying the others to be absolved. Such costs to include costs of two counsel where so employed.

The appeal is against the high court's order that set aside the appointment of the fifth appellant, Mr Modisenyane Segapo N O (Mr Segapo), as a Municipal Manager. The order stems from the urgent application initiated by the respondents against the appellants, bemoaning the recruitment process that led to the appointment of Mr Segapo. The respondents relied upon several irregularities that marred the composition of the panel; the interview process, and the resolution taken at the Special Council meeting, which recommended the appointment of Mr Segapo. The high court's decision was based solely on the irregularities that tainted the interview process, as highlighted by the MEC for COGTA when he declined to approve the resolution passed by the appellants recommending Mr Segapo's appointment.

Before the SCA, the appellant raised three preliminary issues in addition to the main ground that the respondent failed to establish grounds for review. The preliminary issues were mainly based on s 54A of the Municipal Systems Act. The appellant argued that the respondents lacked standing to challenge the appointment; the review was premature; and the MEC's issues had already been addressed. The SCA summarily dismissed these arguments relating to s 54A of the Municipal Systems Act. It found that the appellants' claim that only the MEC has standing to challenge the Municipal Manager's appointment under s 54A (7) and (8) was unfounded. It also rejected their argument that the MEC's inaction under s 54A (10) rendered the review premature.

Regarding the main issue before it, whether the review grounds were established, the SCA concluded that the appointment of a Municipal Manager is a constitutional matter, rendering the principle of legality applicable. In addition to the irregularities upon which the high court based its decision to set aside the appointment of Mr Segapo, the SCA considered the fact that the composition of the recruitment panel contravened Regulation 12(5) and (6), which pertains to the disclosure of any interest or relationship by the members of the panel. It found that the Mayor's failure to disclose or recuse himself from the panel, amid a legitimate concern raised by the respondents regarding a possible conflict of interest between him and Mr Segapo, occasioned by claims of nepotistic appointments in the Municipality, tainted the entire recruitment process.

Regarding costs, the SCA expressed its displeasure with the appellants' conduct of the litigation, resulting in a litany of applications after the high court's decision. It observed, among other considerations, that the third to fifth appellants were relying on the benefit of their fees being paid by the Municipality, while these funds could have been used for service delivery. It reasoned that it would be fair and consistent with the interests of justice, including the welfare of the public, to safeguard the public purse by ordering the third to fifth appellants to personally bear the costs.