



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
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*Jurnic Properties CC v Victor Khanye Local Municipality (652/2024) [2025] ZASCA 196
(18 December 2025)*

Today the Supreme Court of Appeal (SCA) handed down its judgment, upholding the appeal against an order previously granted in the Mpumalanga Division of the High Court, Middelburg, with costs, including the costs of two counsel where so employed.

This matter arose after Victor Khanye Local Municipality sold portion 120 of the Farm Witklip 232 to Dalamay Properties (Pty) Ltd. The transfer was registered on 10 April 2019. Importantly, the municipality did not inform Jurnic Properties CC or July Motors CC about this transaction. Jurnic Properties owns land approximately 95 metres from the property in question, where July Motors operates a filling station. The applicants later discovered that a new filling station was planned for the property and argued that this would directly impact their business operations.

On 28 September 2020, the Mpumalanga Department of Agriculture, Rural Development, Land and Environmental Affairs granted environmental authorisation for development on the land. The applicants first learned about these developments in October 2020, when a representative of Dalamay informed them of the purchase and the rezoning application. In December 2020, the municipality published notice of a rezoning application prepared by Rolous Geomatics (Pty) Ltd on behalf of Dalamay. The rezoning from agricultural to mixed land use was approved in January 2021. Between January and March 2021, the applicants tried to obtain reasons and records from the municipality but were unsuccessful.

After piecing together the sequence of decisions, the applicants instituted review proceedings on 9 June 2021 under section 6(2) of the Promotion of Access to Administrative Justice Act 3 of 2000 (PAJA).

They challenged the sale, rezoning, and environmental authorisation. The High Court dismissed their review application on preliminary grounds, finding that the applicants lacked locus standi and had unreasonably delayed instituting proceedings. The High Court also refused leave to appeal.

The SCA referred the application for oral argument and limited the appeal to two main issues: whether the applicants had own-interest standing under section 38 of the Constitution, and whether there was unreasonable delay in bringing the application. The SCA found that the High Court had erred in its approach to both standing and delay. The Court held that the applicants had a direct and substantial interest in the challenged administrative actions. Under section 38 of the Constitution, and in line with established legal principles, a nearby business likely to lose trade due to rezoning and the sale of property to a competitor had a sufficient interest to bring a review under PAJA.

On the issue of delay, the SCA held that the High Court had miscalculated the start of the 180-day period set out in PAJA. The Court clarified that knowledge of the administrative action alone does not start the limitation period under section 7(1) of PAJA. Instead, knowledge of the reasons for the decision, or when such reasons could reasonably have been known, is required. The SCA found no evidence that the applicants were aware of the municipality's reasons in October 2020. The Court also noted the municipality's ongoing failure to provide reasons and the inadequate records supplied. The SCA concluded that the applicants instituted their review within a reasonable period, starting from January 2021, and had not acted unreasonably in seeking clarity before launching proceedings.

The SCA did not decide on the substantive merits of the review grounds, as the High Court had resolved the matter on preliminary issues only. As a result, the SCA allowed the appeal, set aside the High Court's decision refusing leave to appeal, and remitted the matter to the Mpumalanga Division of the High Court, Middelburg, for a decision on the substantive review application.

This judgment clarifies the requirements for own-interest standing and the calculation of delay under PAJA, providing important guidance for future administrative law challenges.

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