



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: 11 September 2026

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

The Dombo Community and Others v Tshakhuma Community Trust and Others (795/2024) [2026]
ZASCA 118 (11 September 2026)

Today, the Supreme Court of Appeal (SCA) dismissed an application for leave to appeal, with costs, arising from an application in the Land Claims Court, Randburg (the land court).

The matter arises from a claim for restitution of rights in land lodged by a community, under the Restitution of Land Rights Act 22 of 1994 (the Restitution Act). The application is against an order of the land court which reviewed and set aside a decision of the Regional Land Claims Commission, Limpopo (the RLCC) to accept a claim lodged by the first applicant, the Dombo community. The first respondent is the Tshakuma Community Trust (the Trust), which was established to give effect to the restitution of the land under claim.

The events leading to the matter date back to 31 May 1995, wherein Butshiba Daniel Dombo (Dombo) lodged a claim with the RLCC for the restitution of land rights, under the Restitution Act on behalf of the Dombo community (the Dombo claim). On 6 January 1998, Paramount Chief Andries Mavhugu Madvizvhandila also lodged a claim for the restitution of land rights with the RLCC, on behalf of the Tshakuma community. The land under claim by the Tshakuma community included land which encompassed the Dombo claim. During its investigations, the RLCC facilitated discussion between the claimants, which resulted in an agreement that a single community claim would be processed as that of the Tshakuma community. The claim was accepted as compliant and was gazetted as required by the Restitution Act. In order to give effect to the restitution of the land under claim, the Trust was established, and its trustees, which included Dombo and other Dombo clan members, managed the land on behalf of the broader Tshakuma community.

During 2012, an official at the RLCC produced a report which recommended that the RLCC accept and approve the Dombo claim. It also recommended that negotiations be pursued regarding certain portions of the land that had already been restored to the Tshakuma community and registered in the name of the Trust. The RLCC accepted the recommendation and published the Dombo claim in the Government Gazette, indicating that 15 properties in the claim had been 'erroneously' restored to and were currently owned by the Tshakuma Community Trust. It is the decision to accept the Dombo claim that was challenged.

The land court concluded that the acceptance, approval and subsequent publication of the Dombo claim was indeed unlawful, stating that the RLCC's administrative action conflicted with its earlier decision to accept the Tshakuma claim. With the land court having refused leave to appeal, the Dombo community approached this Court.

The issues on appeal before the SCA were whether there existed a reasonable prospect of success on appeal or whether there was some other compelling reason why leave to appeal should be granted, with the ensuing question being the lawful consequences of the admitted prior administrative conduct of the RLCC.

Having evaluated the contentions advanced by the parties, the SCA concluded that the RLCC had taken decisions and exercised its administrative powers upon, and in accordance with, prior community agreement, which is dispositive of the application for leave to appeal. The SCA was of the view that even if these decisions were to be considered notionally unlawful for want of compliance with ss 13 and 14 of the Restitution Act, they remained in effect until set aside. Until that occurred, the subsequent purported decision to accept the Dombo claim was unlawful. The SCA found that the RLCC had exercised its administrative authority regarding what was submitted as the Dombo claim and it was thus held that, in relation to that claim, the RLCC was *functus officio* (it has fulfilled its function). The SCA concluded that the RLCC therefore could not lawfully take decisions regarding that claim.

The SCA thus concluded there existed no prospect of success on appeal, and there were also no compelling reasons why the appeal should be heard. As a result, the SCA dismissed the application for leave to appeal with costs.

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