



IN THE HIGH COURT OF SOUTH AFRICA

{EASTERN CAPE DIVISION: MTHATHA}

CASE NO: 4018/2021

Before the Honourable Justice Nhlangulela AJP

Mthatha on 15 MAY 2026

In the matter between

LULAMILE DAVEYTON KHETSHEMIYA

MENTANI MKALITSHI

HARVEY NTSHOKO

TRUSTEES OF THE MASIFUNDISE

DEVELOPMENT TRUST

and

MINISTER OF WATER AND SANITATION

**MINISTER OF COOPERATIVE
GOVERNANCE AND TRADITIONAL
AFFAIRS**

**PREMIER OF THE EASTERN CAPE
PROVINCIAL GOVERNMENT**

First Applicant

Second Applicant

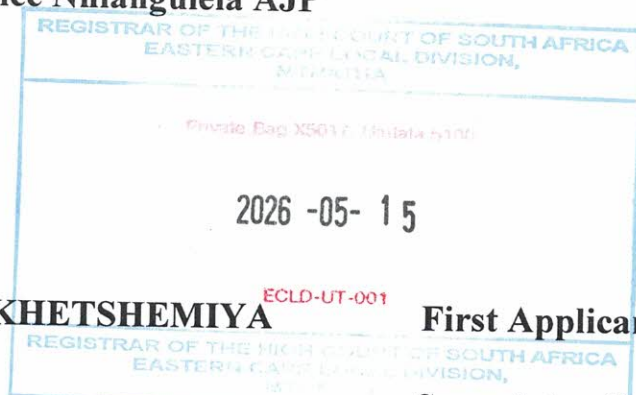
Third Applicant

Fourth Applicant

First Respondent

Second Respondent

Third Respondent



AMATHOLE DISTRICT MUNICIPALITY

Fourth Respondent

AMATOLA WATER BOARD

Fifth Respondent

**CHIEF EXECUTIVE OFFICER OF RAND
WATER**

Sixth Respondent

HAVING HEARD Adv Budlender SC for the applicants; Adv Matebese SC for the first respondent; Adv Moerane SC, appearing with Ms Brauns for the second and third respondents:

2026 -05- 15

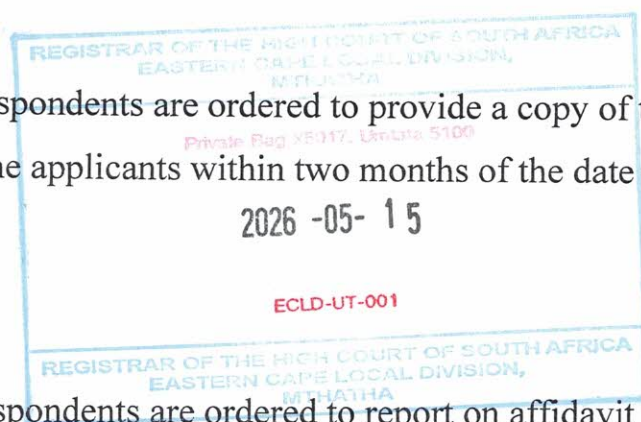
ECLD-UT-001

IT IS ORDERED THAT:

[1] The first, third and fourth respondents have breached their constitutional and statutory obligations to the residents of Ward 28 as follows:

- 1.1 the fourth respondent has failed to provide the residents of Ward 28 with access to basic water supply in terms of section 3 of the Water Services Act, 1997;
- 1.2 the fourth respondent has failed to comply with the basic minimum standards for basic water supply services in terms of regulation 3 of the Regulations published in GNR 509 of 8 June 2001;
- 1.3 the first and third respondents have failed in their duty to intervene to remedy the failures of the fourth respondent in paragraphs 1.1 and 1.2;

- 1.4 the first third and fourth respondents have failed to ensure that the residents of Ward 28 have adequate access to water, in terms of section 27 (1)(b) and (2), section 24 and section 10 of the Constitution of the Republic of South Africa, 1996;
2. The first respondent is ordered to convene a task team on his/her own direction(s), and including representatives of the second, third, fourth and fifth respondents, to devise and implement a long-term, sustainable plan to ensure that access to water and basic water supply services, in accordance with the Constitution and the Water Services Act and the regulations thereunder, are provided to the residents of Ward 28.
3. The first to fifth respondents are ordered to provide a copy of that plan to this Court and to the applicants within two months of the date of this order.
4. The first to fifth respondents are ordered to report on affidavit to this Court, with a copy to the Applicants, not later than three months after the date of this order, and thereafter at periods of every three months, as to:
- 4.1 What they have done to give effect to paragraph 2 above;
- 4.2 To what extent this has achieved or facilitated the outcome required by paragraph 2 above;
- 4.3 What further steps they will take to achieve the outcome required by paragraph 2;



- 4.4 When they will take each such further step; and to continue to file such reports until this order is discharged or varied by this Court, or by agreement of the applicants and the first to fifth respondents.
5. The applicants may approach the Court for further relief, on these papers as supplemented to the extent necessary.
6. The costs of this application to be paid by the first, third and fourth respondents on Scale C, and to do so jointly and severally, the one paying and the others to be absolved from liability.
7. The order in paragraph 6 above shall include the costs of Senior Counsel.

BY ORDER OF THE COURT

REGISTRAR

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA EASTERN CAPE LOCAL DIVISION, MTHATHA
Private Bag X5017, Umtata 5100
2026 -05- 15
ECLD-UT-001
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