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**RREPUBLIC OF SOUTH AFRICA**  
**IN THE HIGH COURT OF SOUTH AFRICA**  
**GAUTENG DIVISION, JOHANNESBURG**

(1)	REPORTABLE: <b>NO</b>
(2)	OF INTEREST TO OTHE OTHER JUDGES: <b>NO</b>
(3)	REVISED: <b>NO</b>
Date: <b><u>27 November 2024</u></b> Signature: _____	
_____	_____
DATE	SIGNATURE

**CASE NO: 2022-056444**

In the matter between:

**PANAMO PROPERTIES 112 CC**

**APPLICANT**

And

**CITY OF JOHANNESBURG  
METROPOLITAN MUNICIPALITY**

**FIRST RESPONDENT**

**MUNICIPAL MANAGER, CITY OF  
JOHANNESBURG METROPOLITAN MUNICIPALITY**

**SECOND RESPONDENT**

**MUNICIPAL VALUER, CITY OF JOHANNESBURG  
METROPOLITAN MUNICIPALITY**

**THIRD RESPONDENT**

**VALUATION APPEAL BOARD, CITY  
OF JOHANNESBURG**

**FOURTH RESPONDENT**

**Coram:** Dlamini J

**Date Of Request:** 12 June 2024

**Delivered:** 27 November 2024 – This judgment was handed down electronically by circulation to the parties' representatives *via* email, by being uploaded to *CaseLines* and by release to SAFLII. The date and time for hand-down is deemed to be 10:30 on 27 November 2024

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## JUDGMENT

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### DLAMINI J

1. This is an application in which the applicant sought various orders against the respondents.
2. The applicant, the owner of the Remaining Extent of Portion 1 of Erf [...] W[...] V[...] Township, Registration Division IR, Province of Gauteng (the Property) seeks to review and set aside three separate decisions by the respondents concerning the valuation of the property for ratings purposes.
3. The facts surrounding the disputes can be summarized as follows;-
4. The City initially valued the property at R84 048 000.00 with effective 1 July 2018 for the purposes of the General Valuation Roll.
5. The applicant objected to this valuation, on 18 December 2018, the valuer reduced the value of the property to R13 875 000.00.
6. Not satisfied with this valuation the applicant appealed to the Valuation Appeal Board of the City (the VAB). However, the VAB dismissed the applicant's appeal and upheld the valuer's decision.

7. In sum, the applicant seeks to review of the impugned decision with a court ordered valuation, alternatively the remittal of the impugned decisions, and alternatively the VAB's decision to the VAB for consideration afresh.

8. The respondents submit that this court does not have the expertise that is within the VAB's purview considering the issue to be decided on is of such a specialist nature. That it would violate the separation of powers doctrine and amount to a usurping of the powers of the VAB by the court where such remedy is misguided. I agree with the respondent's submission in this regard.

9. Having regard to the decision of the constitutional court in *Trencon*,<sup>1</sup> it seems to me that it would not be just and equitable to grant a substitution order.

10. In my view and having regard to the pleadings I am inclined to make a finding that in the interest of justice and to avoid peace meal litigation, this application be sent back for reconsideration by the VAB. The VAB has the necessary capacity, skill and qualification to conduct an inspection in loco, consider all the parties submissions and make a finding. No prejudice will be suffered by any of the parties by this decision.

11. In all the circumstances mentioned above, I make the following order.

## **ORDER**

1. The order marked X that I signed on 29 April 2024 is made an order of this court.

**J DLAMINI**

*Judge of the High Court*

*Gauteng Division, Johannesburg*

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<sup>1</sup> 2015 (5) SA 245 (CC)

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