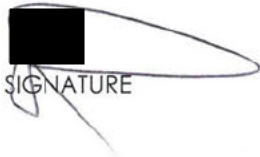




**IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, JOHANNESBURG)**

- (1) REPORTABLE: NO
(2) OF INTEREST TO OTHER JUDGES: NO
(3) REVISED.


SIGNATURE

DATE: 5 February 2025

Case No. 2025/010065

In the matter between:

PREPARE WAYS (PTY) LTD T/A BLISS LIQUOR STORE

Applicant

and

**THE GAUTENG LIQUOR BOARD
NATIONAL BEER (PTY) LTD t/a LARGE HOUSE
SIPHO PIUS PHANGWA
PHUMELELE MBATHA**

First Respondent
Second Respondent
Third Respondent
Fourth Respondent

JUDGMENT EX TEMPORE

ALLEN, AJ:

[1] This is an urgent application for interim relief sought. Due to the urgency of the matter, I will give a short ex tempore judgement.

[2] The application is urgent, based on the fact that the notification of 23 December 2024 could not be proven to have reached the applicant, notwithstanding an invitation to submit evidence. From the period 16 January to 27 January 2025, applicant did take steps to get clarification prior to the launching of this application. There was no unnecessary delay in launching this application. Urgency was therefore established.

[3] The next issue before me was the issue of a *prima facie* or clear right, where the *locus standi* issue had to be determined. It was established that applicant, for the purposes of this application, has *locus standi*, notwithstanding the agreements entered into between third respondent and certain individuals for the sale of the liquor licences of second respondent and for the leasing of the property.

[4] The section 104 application was endorsed by the landlord and seller of the liquor licences on 16 April 2024. He was therefore aware that applicant is involved and he did not object to applicant bringing the application to the liquor board for the transferring of the liquor licences. It is questionable what the end result will be of

the legal consequences of the contracts, but for the purposes of today, I only need to establish whether the second and third respondent were aware of the application to the liquor board, by whom, and whether they endorsed it. The answer to this is yes.

[5] The next issue is irreparable harm. There is a liquor store and a pub currently closed and therefore unable to trade. They also have employees unable to earn an income as a result. The landlord is also suffering irreparable harm based on this because these businesses cannot trade to generate income to pay the landlord and the rates and taxes.

[6] The balance of convenience favours the applicant as both businesses cannot trade. There is current litigation between the parties which is common cause. Some of the papers were annexed to the papers before me, but there is no outcome yet.

[7] The application before me relates to the liquor licences, the liquor board's decision and what transpired on 16 January 2025. The litigation between the parties may have an influence in future, but not for the purpose of today, the interim relief sought.

[8] Does the applicant have an alternative remedy instead of coming to court? In this instance the answer is no. Applicant did approach the liquor board, the first respondent, prior to the launching of this application. The answer was not favourable. The interim relief applicant seeks today directly involves the first respondent. That was the only alternative remedy available prior to launching the application, which remedy applicant did exhaust prior to launching.

[9] Next is the interdict portion of the relief sought. It is against third and fourth respondents to not interfere with the business operations or leased premises of the applicant. On the facts before

me and at this moment in time, they should not be allowed to interfere with the business and the trading of the applicant pending the outcome of Part B and, for what it is worth, the outcome of the litigation between the parties. This is merely to preserve the status quo for the time being. I submit that an interdict against third and fourth respondents should be granted.

[10] Premised on the aforementioned, applicant should succeed with the interim relief sought with costs to follow the result.

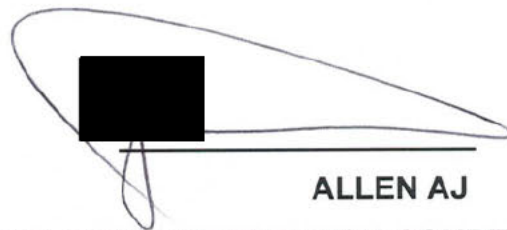
ORDER

[11] In the circumstances I make the following order:

1. The application is urgent in terms of Rule 6(12)(a) of the Uniform Rules of Court.
2. Pending the final determination of the relief sought in Part B of the application:
 - 2.1 the first respondent's decision handed down on 23 December 2024, to withdraw the applicant's applications in terms of section 40 and 104 of the Gauteng Liquor Act of 2003 and to revoke the liquor licences duly granted to the second respondent under licence numbers GLB7000014969 and GLB7000014971 is suspended; and
 - 2.2 the applicant is permitted, forthwith, to continue to trade on the conditions provided for in the second respondent's liquor licences, granted to Large House Pub under the licence number GLB7000014969 and to Large House Liquor Store under licence number GLB7000014971.
 - 2.3 the third and fourth respondents are indicted and restrained from interfering with the business operations or leased premises of the applicant in

any manner whatsoever; and directly or indirectly, personally or through any other person or by any other means harassing, intimidating and causing harm to any of the applicant's employees, affiliates, related persons, families or patrons.

3. Respondents are to pay the costs, jointly and severally, the one to pay the other to be absolved, on a party and party scale, scale A.

A handwritten signature in blue ink, consisting of a large, sweeping loop that encloses a black rectangular redaction box. The signature is positioned above a horizontal line.

ALLEN AJ
ACTING JUDGE OF THE HIGH COURT
GAUTENG DIVISION, JOHANNESBURG

This judgment was prepared by Acting Judge Allen. It was handed down ex-tempore to the parties or their legal representatives, and by uploading to the electronic file of this matter on Caselines, and by publication of the judgment to the South African Legal Information Institute. The date for hand-down is deemed to be 05 February 2025.

HEARD ON: 05 February 2025

DECIDED ON: 05 February 2025

For the Applicant: Adv. S Rubykisoona
Instructed by MVMT Attorneys

For the 1st Respondent: Adv Ngobese
Instructed by State Attorney

For the 2nd to 4th Respondent: P.T Mthombeni
Instructed by P.T Mthombeni Attorneys