



**IN HIGH COURT OF SOUTH AFRICA  
KWAZULU-NATAL DIVISION, PIETERMARITZBURG**

CASE NO: 1578/2016P  
and 3861/2016P

In the matter between:

**ATWELL SIBUSISO MAKHANYA**

**APPLICANT**

and

**THE MINISTER OF WATER AFFAIRS AND  
SANITATION**

**DUDUZILE MYENI N.O.**

**MUSA XULU N.O.**

**POPPY DLAMINI N.O.**

**FREDERICK BOSMAN N.O.**

**NONHLANHLA KHUMALO N.O.**

**AMIT BADUL N.O.**

**BRIAN RAWLINS N.O.**

**NICA GEVERS N.O.**

**THEMBINKOSI MADIKANE N.O.**

**BONGI MSHENGU N.O.**

**SIMO CHAMANE N.O.**

**MHLATUZE WATER**

**FIRST RESPONDENT**

**SECOND RESPONDENT**

**THIRD RESPONDENT**

**FOURTH RESPONDENT**

**FIFTH RESPONDENT**

**SIXTH RESPONDENT**

**SEVENTH RESPONDENT**

**EIGHTH RESPONDENT**

**NINTH RESPONDENT**

**TENTH RESPONDENT**

**ELEVENTH RESPONDENT**

**TWELFTH RESPONDENT**

**THIRTEENTH RESPONDENT**

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**CORRECTION OF AN ORDER IN TERMS OF RULE 42 (1) (b) OF THE UNIFORM RULES  
OF COURT**

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Due to the ambiguity of an order that I gave in the judgment delivered on 28 November 2016, I accordingly correct it and it should read as follows:

[77] Accordingly, I make the following order:

1. The decision by the first respondent to extend the terms of office of the board members of the thirteenth respondent (second to twelfth respondents) is declared invalid and set aside;

2. The decision by the second to twelfth respondents (Mhlatuze Board Members) to pursue disciplinary proceedings against the applicant and suspend him is declared invalid and set aside;
3. The orders in paragraph 1 and 2 above are suspended from operation from the date of this order for a period of 180 days for the first respondent to appoint a new board within a period of 180 days from the date of this order;
4. The disciplinary proceedings against the applicant are to be conducted by Edward Nathan, Sonnenbergs Africa (ENS) and should be finalised by not later than 31 January 2017, whereafter its recommendations will be submitted for consideration by the newly appointed board as contemplated in paragraph 3 above, as soon as it is constituted;
5. The rule *nisi* in case number 3861/2016P is discharged; and
6. The applicant is awarded costs in respect of both matters (1578/2016P and 3861/2016P) including the costs consequent on the employment of senior and junior counsel, where applicable. The costs are to be borne by the first respondent in respect of both matters.

Dated this on this 8<sup>th</sup> day of December 2016 at Pietermaritzburg.

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MBATHA J