

**From:** Voorsitter@koingnaas.co.za  
**Sent:** Monday, 15 June 2026 12:53  
**To:** 'To: NC:Hondeklip Bay:Station Commander:Motlatsi A - Capt'; 'NC:Namakwa District:Vispol:Smit D - Lt Col'  
**Cc:** 'beylhartman@gmail.com'  
**Subject:** RE: Clarification cases submitted is a Civil matter and not Government Matter KBBV High Court Case and 5 Issues  
**Attachments:** The\_Koingnaas\_KBBV\_High\_Court\_Case\_and\_the\_Crisis\_of\_Failing\_Municipalities\_in\_South\_Africa.pdf; 1) Eilandpunt Zuid (Pty) LTD AFFIDAVIT 2026-06-15.pdf

**KBBV High Court Case and 5 Issues – Detailed Document Regarding the Case Attached**

**I will submit the Signed Affidavit by Fryday 19 June 2026 – The Video and Photo evidence will be available on the link Below:**

<https://koingnaas.co.za/forum/index.php?topic=2.0>

**Dear Captain Motlatsi A,**

Thank you for your email dated 26 March 2026. We appreciate your correspondence and the time taken to clarify the South African Police Service's (SAPS) position regarding the ongoing matters in Koingnaas. We note your view that the matters between Eilandpunt Zuid (Pty) Ltd, the Koingnaas Belastingbetalersvereniging (KBBV), and the Kamiesberg Municipality are of a civil nature.

However, it is imperative to clarify the context and the specific legal findings of the High Court case you referenced. The court case in question is Kamiesberg Local Municipality and Another v Koingnaas Belastingbetalersvereniging and Another [Case No: 2609/2021; [2024] ZANHC 14], which was heard by the Northern Cape Division of the High Court.

While the municipality sought to interdict the KBBV from performing municipal repairs, the KBBV's counter-application brought to light severe, systemic failures by the municipality. The High Court case was fundamentally about the following 5 critical issues:

1. **Failure to Restore Critical Infrastructure:** The municipality's complete failure to restore water, sanitation, and road infrastructure in Koingnaas, which had entered a state of near total collapse, posing acute public health hazards.
2. **Citizen Intervention vs. Municipal Usurpation:** The legal dispute over whether private citizens and ratepayers' associations (like KBBV) could lawfully intervene and perform emergency repairs under the common-law doctrines of negotiorum gestio or necessity when a municipality fails its constitutional duties.
3. **Reimbursement for Emergency Repairs:** KBBV's demand that the Kamiesberg Municipality pay the invoices (totaling R120,000) for the emergency repairs the community funded and executed to save the town's failing sewerage and water plants.

4. **Accountability for the R21 Million De Beers Grant:** The demand for a full accounting of how the R21 million refurbishment grant, provided by De Beers Consolidated Mines in 2016 specifically for Koingnaas infrastructure, was utilized, as it appeared to have been absorbed into the municipality's general coffers without ring-fencing.
5. **Constitutional Remedies for Municipal Failure:** The court's examination of the appropriate constitutional mechanisms for addressing municipal failure, specifically highlighting that service delivery issues must be resolved through Section 139 provincial or national interventions rather than private self-help, despite the grave constitutional breaches by the municipality.

While the court ruled on the procedural aspects of procurement (Section 217) and the separation of powers, the judgment undeniably acknowledged that the Kamiesberg Municipality had fundamentally failed in its constitutional duties to provide basic services. Furthermore, the recent incidents involving municipal employees entering private property (Erf 170) without lawful authorization, removing legitimate water connections, and harassing employees (Mr. Hartman Beyl) transcend civil disputes.

These actions constitute criminal trespass under the Trespass Act 6 of 1959, malicious damage to property, and harassment under the Protection from Harassment Act 17 of 2011. Eilandpunt Zuid (Pty) Ltd holds the registered ownership of Erf 170, and the municipality holds no registered servitudes over this property.

Therefore, while the broader service delivery failure involves civil and constitutional elements, the specific acts of trespassing, property damage, and harassment committed by municipal officials on private land require SAPS intervention and investigation.

**We hereby are submitting formal criminal complaints and affidavits detailing these offenses. (Document Attached)**

We trust this clarifies the nature of the High Court case and the distinction between the civil administrative failures and the criminal acts currently being perpetrated on private property. Kind regards, Johan Grabe Director, Eilandpunt Zuid (Pty) Ltd On behalf of the Koingnaas Belastingbetalersvereniging (KBBV)

**Kind regards,**

**Johan Grabe**

Director, Eilandpunt Zuid (Pty) Ltd

On behalf of the Koingnaas Belastingbetalersvereniging (KBBV)

**From:** NC:Hondeklip Bay:Station Commander:Motlatsi A - Capt <[MotlatsiA2@saps.gov.za](mailto:MotlatsiA2@saps.gov.za)>

**Sent:** Thursday, 26 March 2026 13:46

**To:** [voorsitter@koingnaas.co.za](mailto:voorsitter@koingnaas.co.za)

**Cc:** NC:Namakwa District:Vispol:Smit D - Lt Col <[SmitD@saps.gov.za](mailto:SmitD@saps.gov.za)>

**Subject:** RE: Clarification cases submitted is a Civil matter and not Government Matter

Good day Mr Johan Grabe

In my view the matter between you and the municipality is a civil matter and it is already before court.

The incident where you alledge that the police was intimidating your employee, you gave indication that you will report the matter to IPID, and that is something which I cannot comment on since you may lodge any complaints with them where you feel that the police acted unlawful.

On 04 March 2025 Mr Beyl reported an incident where the municipaliy workers was at the premises and he wanted to open a case of trespassing. I registered an enquiry(Hondeklip Bay Enquiry 01/03/2026) to discuss the matter with a prosecutor since the stand in discussion is not fenced at all and there is no sign to warn or inform the public that the property may not be entered.

*Kind regards.*



South African Police  
Service

**Captain A Motlatsi**  
**Station Commander:**  
**Hondeklipbaai**  
**Cell: 082 448 4657**  
**Landline: 027-692 3008**

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**From:** [voorsitter@koingnaas.co.za](mailto:voorsitter@koingnaas.co.za) <[voorsitter@koingnaas.co.za](mailto:voorsitter@koingnaas.co.za)>

**Sent:** Thursday, 26 March 2026 12:27

**To:** NC:Hondeklip Bay:Station Commander:Motlatsi A - Capt <[MotlatsiA2@saps.gov.za](mailto:MotlatsiA2@saps.gov.za)>

**Subject:** Clarification cases submitted is a Civil matter and not Government Matter

Dear Captain Motlatsi,

I am writing to you on behalf of the Koingnaas Belastingbetalersvereniging (KBBV) and Eilandpunt Zuid (Pty) Ltd.

Listed complaints are Attached in e-mail format.

We urgently request a formal letter from SAPS confirming the Listed Complaints are recognized as civil matters between the community and the municipality, and not criminal or government matters warranting police intervention.

This clarification is crucial for the upcoming Full Bench hearing at the Northern Cape Division of the High Court on 20 April 2026.

Kind Regards



Johan Grabe  
Director

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