

Supreme Court of Appeal of South Africa

MEDIA SUMMARY– JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal

Date: 16 March 2018

Status: Immediate

Please note that the media summary is intended for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal.

Patmar Explorations (Pty) Ltd v Limpopo Development Tribunal

In today overturning a planning approval by the Limpopo Development Tribunal for the construction of a service station, the SCA reaffirmed its judgment in *Shelton v Eastern Cape Development Tribunal*, where it held that once the Constitutional Court's suspension of an order of invalidity in relation to the statutory provisions under which development tribunals operated had lapsed the tribunals lacked any authority to grant development approvals.

The SCA pointed out that the rule of law required courts to adhere to their own previous decisions and that it is only in rare circumstances that courts depart from earlier judgments. The High Court had overlooked this principle in not following an earlier judgment in its own court.

The SCA also pointed out that for the Tribunal and the Provincial Government to have persisted with the appeal after becoming aware of *Shelton* meant that the legal costs incurred in the appeal constituted fruitless and wasteful expenditure.