

**IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG DIVISION, PRETORIA**

CASE NO: 28240/22

In the application of:

**VISVANATHAN PILLAY** Applicant

and

**THE PUBLIC PROTECTOR** First Respondent

**THE MINISTER OF FINANCE** Second Respondent

**THE AUDITOR GENERAL OF SOUTH AFRICA** Third Respondent

**THE NATIONAL HEAD OF THE DIRECTORATE OF  
PRIORITY CRIME INVESTIGATION** Fourth Respondent

**THE DIRECTOR GENERAL OF NATIONAL TREASURY** Fifth Respondent

**THE COMMISSIONER OF THE SOUTH AFRICAN  
REVENUE SERVICE** Sixth Respondent

**PRAVIN JAMNADAS GORDHAN** Seventh Respondent

**GEORGE NGAKANE VIRGIL MAGASHULA** Eighth Respondent

**THOMAS SWAHIBI MOYANE** Ninth Respondent

**EDWARD KIESWETTER** Tenth Respondent

**BARRY HORE** Eleventh Respondent

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**ORDER OF COURT BY CONSENT**

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Having read the papers filed of record, and having heard counsel for the applicant, an order in the following terms is granted by consent between the applicant and the first respondent:

- 1 The first respondent's Report No 04 of 2022/23, dated 22 April 2022 ("the Report") is reviewed, declared unlawful and set aside in each instance where it relates to the applicant;
- 2 The remedial action directed by the first respondent in paragraph 8 of the Report is reviewed, declared unlawful and set aside to the extent that it relates to the applicant;
- 3 It is specifically declared that the first respondent's conduct in failing to provide the applicant with:
  - 3.1 any notice whatsoever of the investigation;
  - 3.2 any of the rights to which he is entitled to in terms of section 7(9) of the Public Protector Act, 23 of 1994; and
  - 3.3 any right to be heard on the remedial action that the first respondent contemplated granting against him,is in breach of the applicant's Constitutional rights;
- 4 The first respondent is ordered to pay the costs of this application on the unopposed scale.

**BY THE COURT**

**REGISTRAR**

**WERKSMANS ATTORNEYS**

Attorneys for the applicant

C/O BRAZINGTON & McCONNELL

**THE PUBLIC PROTECTOR OF SOUTH AFRICA**

First respondent