

By the Judgement of 11 November 2021 No 48-II/2021 the Constitutional Court assessed constitutionality of Article 392, part four, item 6 of the Civil Procedural Code of the Russian Federation; Article 222 item 1 of the Civil Code of the Russian Federation; and Article 32 of the Federal Law “On Gas Supply in the Russian Federation”.

These provisions were subject to consideration insofar as they serve as basis to decide on the issue of possibility to review a final judicial act that has not yet been executed and was delivered with regard to demolishing of constructions built in violation of the limits of usage of the land plot established by federal law (including constructions situated closer to gas pipeline objects than minimally allowed by building norms and regulations) due to new circumstances – in view of changing by federal law of the grounds to recognise a construction, building or another object as unauthorised construction thereby implying that courts must establish good faith the land plot owner at the time of construction of the building (other object).

The challenged interconnected provisions were recognised as not contradicting the Constitution of the Russian Federation since under their constitutional meaning within the current regulatory framework they do not provide for refusal to review due to new circumstances of the final non-executed judicial act on the demolition of such constructions if the courts did not examine whether the owner of land plot who conducted construction knew or could have known of the existence of the established limitations with regard to his land plot.