

By the Judgement of 26 May 2025 No.22-II, the Constitutional Court assessed constitutionality of Article 302 (item 1) of the Civil Code of the Russian Federation.

The above-mentioned legal provision was the subject of consideration insofar as it on its basis, the court, while resolving the issue of recovering residential premises from illegal possession, establishes the fact of its alienation from the possession of a public entity against its will, if the provision of such premises from public ownership into the ownership of a person who subsequently transferred it for a fee to a bona fide purchaser is recognized as illegal.

The challenged legal provision was recognized as not contradicting the Constitution of the Russian Federation since it does not imply recognition of the residential premises as having been alienated by a public legal entity against its will for the purposes of vindication from a bona fide purchaser, if the court, when resolving such issue, establishes that the authorized bodies (officials) of this public entity performed the actions (adopted the legal acts) providing for the transfer of the residential premises to an individual, even if it was subsequently recognized as illegal.