

By the Judgement of 28 January 2025 No.3-II, the Constitutional Court assessed constitutionality of Articles 12 and 304 of the Civil Code of the Russian Federation and Article 1 (part 5) of the Federal Law of 13 July 2015 No.218-FZ “On State Registration of Real Estate”

These legal provisions have been the subject of consideration to the extent that they are applied for resolving the issue of the claim in defence of the interests of the Russian Federation to declare a citizen’s right to a land plot (including if such right is reflected in the Unified State Register of Real Estate) as absent in a case where such land plot was previously granted to the citizen for his personal needs, but all or part of it is located within the boundaries of a specially protected natural area of federal importance or a forest fund.

The challenged legal provisions were recognised as not contradicting the Constitution of the Russian Federation in so far as their constitutional and legal meaning presupposes:

in considering the claim, it will be necessary to determine whether the defendant acted in good faith when acquiring the land, which will be assessed both in accordance with the requirements of good faith of the acquirer (Article 302, item 1 of the Civil Code) and the general requirements of good faith in civil law (provisions of Articles 1 and 10 of the Civil Code), and also, at the defendant’s request, whether the limitation period has expired, which will be calculated in accordance with the legal positions expressed in this Judgement;

in the case of a right to a land plot that is located within the boundaries of a specially protected natural area of federal importance (with the exception of cases when the land plot is located in the territory of a settlement that is fully included in a specially protected natural territory in accordance with Article 3¹ of the Federal Law “On Specially Protected Natural Territories”), as well as a right to a land plot that was located within the boundaries of such an area at the time it was granted but is not currently connected to it (if it is established by the court that it was the unlawful provision of the land that served as the basis for its exclusion from the relevant territory), the said claim shall be subject to satisfaction. If it is established that the citizen acted in good faith in acquiring such a land plot, or if the limitation period has expired (and it has not been proved that the defendant has intentionally acted unlawfully in acquiring the land), the court shall, simultaneously with the satisfaction of the said claim, impose on the public authority, which originally granted the land plot, the obligation to provide the citizen with a land plot of a similar size and type of authorised use, which implies the satisfaction of personal needs, within the time limit determined by the court. If it is objectively impossible to provide such land, the public authority shall compensate for the termination of

the citizen's rights to the land plot, as well as for the value of the constructions on the land plot that were legally built by any other means;

if it is established that a citizen acted in good faith when acquiring land within the boundaries of the forest fund, or if the limitation period has expired, the above mentioned claim is not subject to satisfaction.