

# Public-law land disputes in the case law of the Supreme Court: administrative procedure, the public interest and effective judicial protection (a review of legal positions, 2022–2026)

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## Abstract

Within Ukraine's constitutional legal order, land is not merely an object of civil transactions or an economic asset underpinning commercial activity. It is simultaneously an object of the Ukrainian people's right of ownership, a natural resource, the territorial foundation of local self-government, a spatial precondition for the development of settlements, a source of public revenue and an essential component of environmental security. For this reason, a significant proportion of land disputes extend beyond a bilateral conflict between an applicant and a public authority. Decisions in such disputes may affect the interests of an indeterminate group of persons, the state of the environment, the preservation of forests, recreational areas and cultural heritage, the community's access to land resources, fair competition, national security and public confidence in public administration.

The judgments of the Administrative Cassation Court within the Supreme Court analysed in this Review reveal the emergence of a coherent set of approaches to the adjudication of public-law land disputes. The defining feature of such a dispute is not the mere presence of a land plot, immovable property or a proprietary interest, but the nature of the activity performed by the public authority concerned. Where a local authority, a State cadastral registrar, or an authority responsible for State supervision, urban planning or State registration exercises public powers, conducts an administrative procedure, adopts an administrative act or fails to act, it is for the administrative court to review the lawfulness, justification, proportionality and procedural regularity of that conduct. Otherwise, the proprietary consequences of an act of public authority would artificially remove the administration's activities from specialised judicial scrutiny.

Since the Law of Ukraine 'On Administrative Procedure' entered into force on 15 December 2023, land administration has increasingly been understood as a sequence of procedural steps and decisions that must culminate in a lawful, substantiated and properly reasoned administrative act. The right to be heard; the administrative authority's duty to establish the relevant facts of its own motion, ensure the participation of interested persons, act consistently, in good faith and for a proper purpose; and the obligation to guarantee an effective right of review have become practical criteria of judicial scrutiny. At the same time, administrative procedure protects more than the private individual: compliance with it improves the quality of public decision-making, prevents the concealed redistribution of public assets and ensures that the interests of the territorial community and the State are taken into account.

This Review is based on 38 judgments of the Supreme Court. The cases are grouped not chronologically, but by the following principal themes: administrative jurisdiction; due administrative procedure; competition and legitimate expectations; protection of the public interest; cadastral and urban-planning administration; effective judicial remedies; enforcement of judgments; and proportionality of interference with property rights.

Keywords: public-law land dispute; administrative jurisdiction; administrative procedure; administrative act; public interest; land auctions; legitimate expectations; State Land Cadastre; effective judicial remedy; proportionality.

## **1. Administrative jurisdiction as the proper form of scrutiny of land administration**

One of the most important trends in the case law under review is the rejection of the simplistic approach whereby the existence of a land plot, immovable property or a proprietary interest automatically renders a dispute private-law in nature. The Supreme Court has consistently held that jurisdiction is determined by the subject matter of the challenge, the nature of the impugned activity and the legal capacity in which the decision-making body acted. The proprietary consequences of an administrative act do not alter the nature of the public function in the exercise of which that act was adopted.

In Case No. 140/11950/23 [19], the actions of a State cadastral registrar in amending information concerning a land plot were challenged on the ground, advanced by the prosecutor, that the amendment had been made without a decision of the local authority. The court of appeal treated the dispute as one of private law because the registration action had been taken at the owner's request and the land plot was subsequently transferred to another owner. The Supreme Court rejected that approach. The issue for review was not the identity of the rightful owner, but the lawfulness of the registrar's exercise of a public function, compliance with the procedure for amending cadastral information and observance of the legislation governing the State Land Cadastre. The presence of private persons interested in the outcome of the registration action does not transform scrutiny of the registrar into a dispute over title.

A similar line of reasoning was applied in Case No. 520/34082/23 [20], in which the claimant challenged the State registration of a land plot carried out for the benefit of another person. The lower courts discontinued the proceedings, focusing on the decision's potential impact on property rights. The Supreme Court emphasised that the State registration of a land plot is an administrative procedure and that a decision or legally significant action of the registrar constitutes an administrative act in the broad functional sense. The lawfulness of the administrative authority's conduct therefore had to be examined, rather than only its subsequent civil-law consequences.

At the same time, Case No. 520/34082/23 [20] demonstrates that classifying a dispute as public-law does not justify narrowing the circle of participants. On the contrary, effective administrative adjudication requires the participation of persons whose rights may be affected by the decision. The courts had failed to join the person who applied for the registration action, although the outcome directly concerned the land plot formed for that person's benefit. The Supreme Court linked the completeness of judicial examination to the category of an interested person established by the Law of Ukraine 'On Administrative Procedure'. An administrative court must not only identify the proper jurisdiction, but also ensure the participation of every person whose rights, freedoms, interests or obligations may be affected by its judgment.

In Case No. 520/14994/24 [22], a company challenged a local authority's decision to allocate part of a land plot which, according to the claimant, was held by it under a right of permanent use. The courts discontinued the proceedings on the basis that the dispute essentially concerned a land-use right. The Supreme Court observed that Article 149(2) of the Land Code of Ukraine establishes a public-law procedure for the withdrawal of a land plot: the land user's written, notarised consent is required, and in its absence the matter must be determined by a court. Where a local authority disregards that procedure and adopts decisions on the subsequent allocation of the land in the exercise of public powers, the subject matter of the dispute is the lawfulness of the public authority's conduct, not merely the existence of a right in rem.

Case No. 520/14994/24 [22] is also significant because the administrative court protects not only the formal allocation of powers, but also an infrastructural public interest. According to the claimant, the disputed area was used to supply process water to an energy facility. A breach of the withdrawal procedure could therefore affect not

only the company's proprietary position, but also the stable operation of an energy facility. Administrative scrutiny in such a case prevents a public authority from creating a risk to socially important activities through a decision that is formally concerned only with land.

In Case No. 140/33101/23 [23], a company challenged orders of the Ministry of Environmental Protection and Natural Resources approving and amending the territorial management plan for a national nature park. The lower courts considered that the orders were not normative legal acts and did not alter the legal status of the land, and that there was therefore no public-law dispute. The Supreme Court focused instead on the acts' actual regulatory effect. Functional zoning of a national park establishes a special regime for the use of the territory and may restrict the land user's economic activity. A ministerial order of that kind is therefore an exercise of public administration over a protected area, and a dispute concerning the zoning procedure and agreement with the land user falls within administrative jurisdiction.

This functional approach became particularly pronounced after the Law of Ukraine 'On Administrative Procedure' entered into force. In Case No. 480/5652/24 [28], a company challenged a decision of Sumy City Council adopted following consideration of an application to renew a lease. The lower courts discontinued the proceedings on the ground that the dispute was commercial because the decision affected the lease relationship. The Supreme Court distinguished two stages: the administrative procedure initiated by the application, and any subsequent contractual implementation of its outcome. The claim concerned the council's decision as an administrative act adopted in the exercise of public discretion, not the performance or interpretation of the lease.

In Case No. 480/5652/24 [28], the Court expressly took account of the provisions of land legislation and the Law of Ukraine 'On Land Lease', under which applications in the field of land leasing are to be considered in accordance with the Law of Ukraine 'On Administrative Procedure'. This enabled the Court to formulate a broader conclusion: where a local authority considers an individual application, establishes the relevant facts, exercises discretion and adopts a decision affecting the applicant's legal position, it acts as an administrative authority. The possibility that a civil or commercial contract may subsequently be concluded does not alter the administrative nature of the preceding exercise of public power.

In Case No. 320/18939/24 [32], the claimant challenged an executive committee decision assigning an address to a transformer substation and a city council decision approving technical land-inventory documentation. The lower courts viewed the matter as a private dispute over ownership of immovable property. The Supreme Court held that the assignment of an address and approval of land-management documentation are carried out unilaterally by local authorities in the exercise of public powers. These are functions concerned with the organisation of the address system, State registers and the territorial administration of land resources. Whether the claimant's property right had in fact been infringed was a matter to be determined on the merits, not by denying access to the administrative court at the outset.

In Case No. 580/5228/25 [35], the impugned decisions had been adopted by an executive committee when determining a land dispute concerning neighbourly relations. The courts refused to open proceedings, considering that the dispute concerned rights in rem. The Supreme Court emphasised that, when resolving a land dispute under Articles 158–159 of the Land Code of Ukraine, a local authority exercises a public-law administrative function. If a person alleges that the commission was unlawfully constituted, that she was not notified of the hearing or allowed to participate, and that her evidence was not examined, her challenge concerns not the boundary of a private plot as such, but the lawfulness of the administrative procedure.

Case No. 320/2015/22 [13] is of particular importance for access to a court. The owner of a land plot challenged a village master plan which designated part of her land for a cemetery. The courts dismissed the claim on the ground that she had not proved an existing infringement. The Supreme Court applied the special rules governing challenges to normative legal acts: proceedings may be brought not only by persons to whom the act has already been applied, but also by persons participating in legal relationships in which it will be applied. Requiring the claimant to wait until the planning decision was implemented could render protection belated, since adverse effects on land use, property value and the residential environment may arise before any formal withdrawal or change of designated use.

Accordingly, in the case law examined, administrative jurisdiction is an instrument of effectiveness, not merely a formal means of allocating cases among courts. Its purpose is to secure specialised scrutiny of the exercise of

public power before an unlawful administrative act is definitively transformed into a right in rem, a registration entry, a development or another factual situation that may be difficult or impossible to reverse.

## **2. Administrative procedure as an autonomous standard of lawfulness for land decisions**

The Supreme Court's case law demonstrates that the mere existence of a relevant power is not sufficient to make a land decision lawful. The authority must act in the prescribed form and proper sequence, respect the rights of the participants, and adopt one of the substantive decisions provided for by law. In this sense, administrative procedure is not a mere formalisation of a decision already made by the authority. It is a mechanism for obtaining information, accommodating different interests and preventing the arbitrary exercise of discretion.

In Case No. 480/5652/24 [28], the claimant argued that the city council had failed to ensure its participation in the lease-renewal procedure, had not notified it of the hearing and had not afforded it a genuine opportunity to submit explanations and evidence. The Supreme Court treated those arguments not as formal criticisms of the council's internal work, but as allegations of a violation of the rights of a participant in an administrative procedure. The collegiate nature of the authority does not exempt it from the requirements of administrative procedure: a plenary vote must be the final stage of a properly prepared examination of an individual case.

In Case No. 580/5228/25 [35], the right to be heard acquired practical content in the procedure for resolving a land dispute. The claimant alleged that she had been excluded from the hearing and deprived of the opportunity to submit evidence. The Supreme Court proceeded on the basis that a local authority's decision concerning neighbourly relations may affect the manner in which land is used and the conduct of adjoining land users. The administrative authority must therefore ensure equal participation of the parties, examine reliable information and adopt a reasoned decision. Without those safeguards, the procedure becomes a unilateral authoritative endorsement of one participant's position in a private conflict.

In Case No. 520/34082/23 [20], the Supreme Court linked due administrative procedure to the participation of interested persons. The registration of a land plot for the benefit of a person who was not joined to the judicial proceedings cannot be fully reviewed unless that person is given an opportunity to explain the basis on which the documents were submitted and to defend the outcome of the administrative procedure. The significance of this position is broader: effective scrutiny of an administrative act requires the court to identify and join the persons whose rights, freedoms, interests or obligations may be affected by its judgment, rather than confining itself to the formal designation of claimant and defendant.

The principle of official inquiry was applied particularly clearly in Case No. 140/10644/24 [34]. Manevychi Settlement Council challenged an order of the Ministry of Justice of Ukraine by which its complaints against registration actions had been left unexamined on the purported ground that no right of the council had been infringed. The Ministry and the courts relied on the fact that the council had previously terminated its municipal ownership of the plots. The Supreme Court regarded that approach as formalistic: the administrative authority was required to determine the category of the land of its own motion and verify whether it had passed into municipal ownership directly by operation of law.

In Case No. 140/10644/24 [34], the principle of official inquiry prevents an administrative authority from construing a complaint unduly narrowly. A person is not always able to provide all information concerning the legal regime of land, particularly where that information is held in State registers or follows from complex transitional provisions. The Ministry of Justice of Ukraine, which is vested with supervisory powers in the field of State registration, must not confine itself to a formal analysis of the current entry. It must establish the complainant's substantive legal connection with the property and only then determine the admissibility of the complaint.

Due procedure also requires the competent authority and the proper form of decision to be correctly identified. In Case No. 640/39548/21 [29], an association of co-owners of an apartment building applied for permission to prepare technical documentation for the subdivision of a municipally owned land plot in Kyiv. The lower courts ordered Kyiv City Council to consider the application at a plenary sitting under the procedure laid down in Article 118 of the Land Code of Ukraine. The Supreme Court held that the subdivision of an already formed plot is governed by different

provisions and that the special procedure applicable in Kyiv provides for permission to be granted by a written direction of the Mayor or a Deputy Mayor.

Case No. 640/39548/21 [29] illustrates the danger of a remedy that is formally 'favourable' to the claimant but legally misconceived. Ordering the wrong authority to consider an application under the wrong procedure does not restore the right; it creates a new cycle of fruitless administrative and judicial action. The court must therefore establish the precise distribution of competence, identify the proper defendant and only then select the appropriate remedy. Procedural economy lies not in the speed with which a judgment is delivered, but in the capacity of that judgment to produce a lawful administrative outcome.

A special procedure was also decisive in Case No. 120/1196/19-a [2]. A farming enterprise challenged an inspector's order requiring it to vacate land occupied without authorisation, relying on the Law of Ukraine 'On the Basic Principles of State Supervision (Control) in the Sphere of Economic Activity'. The Supreme Court distinguished supervision of an undertaking's economic activity from supervision of an object—the land plot itself. Since the inspection concerned unauthorised occupation of land, the applicable legislation was the special Law of Ukraine 'On State Control over the Use and Protection of Land'.

That approach in Case No. 120/1196/19-a [2] does not weaken procedural safeguards. On the contrary, it requires the procedure corresponding to the subject matter of the supervision and the purpose of the legislation to be applied. General rules cannot be used to neutralise specialised land control; equally, the special law does not release the inspector from the duty to act within the limits of competence, establish the facts properly and formulate a clear order.

Administrative procedure also extends to the adoption of normative legal acts. In Case No. 320/10183/22 [25], a village council decision approving technical documentation for the normative monetary valuation of land was classified as both a normative legal act and a regulatory act. The local authority had failed to publish the draft decision together with a regulatory impact analysis, thereby breaching the mandatory procedure. The Supreme Court confirmed that public disclosure is not a mere formality, but a means of enabling taxpayers, businesses and other interested persons to participate in the establishment of rules intended for repeated application.

In Case No. 320/2796/23 [16], failure to comply with the special judicial procedure for challenging a normative legal act constituted an unconditional ground for a fresh examination. The courts had erroneously treated the dispute over normative monetary valuation as a case of minor complexity and examined it in simplified proceedings. The Supreme Court emphasised that a normative act affects an indeterminate group of persons; the Code of Administrative Procedure of Ukraine therefore requires general proceedings, publication of a notice and an opportunity for other interested persons to intervene. The procedure protects not only the claimant, but every person whose legal position depends on the contested regulation.

Administrative procedure therefore performs at least three functions in land cases. It protects the individual against unilateral and unpredictable interference; supplies the administrative authority with the information necessary for a correct decision; and creates a mechanism through which the broader public interest can be taken into account. An administrative court must accordingly examine not only whether the authority was empowered to adopt a particular decision, but also how it arrived at that decision.

### **3. Legal certainty, consistency of public authorities and the limits of legitimate expectations**

The principle of legal certainty is of particular importance in land relations because procedures are lengthy, land assets are highly valuable and individuals depend on a sequence of actions by several administrative authorities. At the same time, the Supreme Court's case law does not equate every expectation of an applicant with a legally protected right. The Court distinguishes a justified expectation that a properly initiated procedure will be completed from a subjective hope of obtaining land over which the authority retains lawful discretion.

In Case No. 580/1300/22 [5], the claimant sought permission to prepare a land-management plan, arguing that, when she first applied, the plot had not yet been included in the list of land plots the rights to which were to be offered at auction. The Supreme Court held that the submission of an application does not in itself create a right to

receive a particular land plot. Before the procedure is completed, a local authority may lawfully change the method by which it disposes of a public asset, including by choosing a competitive procedure.

In Case No. 580/1300/22 [5], legitimate expectations could not prevail over the mandatory rule in Article 136(5) of the Land Code of Ukraine, under which a plot included in the list of auction lots may not be transferred outside an auction until the auction process has concluded. An expectation is legitimate only where it has a sufficient legal basis and the applicant's conduct satisfies the statutory conditions. It cannot become a right to block the community's decision to use a more transparent, competitive and potentially more advantageous method of land disposal.

This approach was developed in Case No. 120/19319/21-a [6]. The applicant sought permission to prepare technical documentation for the subdivision and consolidation of a land plot with a view to its subsequent transfer into private ownership. The lower courts considered that the plot's inclusion in the auction list was not, by itself, a sufficient ground for refusal. The Supreme Court set those decisions aside: a valid decision to prepare land for auction changes its legal regime and precludes non-competitive alienation or the grant of use rights.

A similar conclusion was reached in Case No. 400/4760/21 [18]. The claimants challenged the council's decision to include the land in a list for the auction of lease rights and its refusal to allocate the land free of charge. The Supreme Court stressed that an interest in a particular plot does not confer priority over the community or potential auction participants. Until a decision transferring the land had been adopted, the applicants had acquired no individual right and could not require the non-competitive method of disposal to be preserved.

A different situation arose in Case No. 160/6214/21 [9]. The claimant had obtained approval of a land-management plan, but the village council refused to approve it on the ground that the favourable opinion dated from 2016. The Supreme Court established that the law imposed no time limit on the validity of that opinion. The person had therefore taken the steps required by law, obtained a positive approval and acquired a justified expectation that the procedure would be completed under the rules in force. The authority's creation of a ground for refusal not provided for by law constituted an interference with a proprietary interest.

Case No. 160/6214/21 [9] demonstrates that legitimate expectations protect not a guaranteed entitlement to any desired property, but the State's consistency in relation to a legal position already formed by the individual. Where the applicant has complied with the requirements and an administrative authority or another competent body has issued a document whose validity is not limited by law, the authority responsible for the next stage may not arbitrarily deprive the earlier stage of its effect.

Legal certainty is closely connected with the prohibition of inconsistent conduct by public authorities. In Case No. 560/5861/23 [30], an undertaking using land under a State act issued in 1999 sought permission to prepare technical documentation for the restoration of its boundaries. The city council refused on the ground that parts of the larger plot had, over the preceding years, been transferred to other persons and registered in the cadastre. The Supreme Court noted that the local authority itself had created the uncertainty through its earlier decisions.

The application of the principle *venire contra factum proprium* in Case No. 560/5861/23 [30] means that a public authority may not derive an advantage from its own inconsistency. If the State act has not been revoked and the right of permanent use formally remains in existence, the authority may not refuse to initiate a boundary-clarification procedure merely because it previously disposed of parts of the relevant area without properly resolving the original right. Permission to prepare the documentation does not finally determine the configuration of the land, but it enables the facts to be established and the cadastral data to be brought into conformity with the law.

A related issue arose in Case No. 420/32580/23 [24], where the State registration of a land plot had been cancelled because no right in rem had been registered within one year. The law makes the cessation of the plot's legal existence contingent on fault on the part of the applicant; the automatic application of the time limit without establishing the reasons for the failure to act is therefore impermissible. The courts were required to examine whether the applicant had taken every step within its power, the significance of the existing State act of use, and whether the plot overlapped with other plots.

In Case No. 420/32580/23 [24], legal certainty requires a balance. On the one hand, the cadastre should not retain indefinitely plots in respect of which no right has been registered. On the other hand, a person should not lose the

results of land-management work because of the acts or omissions of other authorities. Establishing fault is therefore a substantive safeguard against the automatic loss of a legal position.

In Case No. 320/10183/22 [25], the Supreme Court considered the temporal consequences of declaring a normative legal act invalid. The normative monetary valuation decision had already been declared invalid in other proceedings. The Court held that extracts issued on its basis ceased to have effect when the relevant judgment became final, rather than retrospectively from the date on which the act had been adopted. This approach limits the adverse effects of unlawful regulation while protecting the stability of legal relationships and avoiding an uncontrolled recalculation of all previous charges.

Legal certainty in the Supreme Court's case law is therefore not a unilateral guarantee benefiting the private applicant. It requires predictability from both the authority and the individual; it protects completed or sufficiently developed legal positions, but does not preserve an unfinished procedure to the detriment of competitive and socially beneficial land administration.

#### **4. Land as a public asset: competition, equality and the proper purpose of discretion**

In the Supreme Court's case law, the constitutional provision that land is an object of the Ukrainian people's right of ownership acquires procedural and anti-corruption significance. State authorities and local authorities exercise the powers of an owner not in their own interests, and not merely to satisfy the first individual application received, but in the interests of society. This entails a requirement that land be managed and disposed of in a transparent, non-discriminatory and economically sound manner.

In Case No. 340/6113/21 [4], the prosecutor challenged a village council decision transferring an additional land plot to an individual for farming purposes without an auction. The individual had previously received land to establish a farm and had registered a legal entity. The Supreme Court agreed that any subsequent land plots had to be acquired by the farming enterprise itself under the general competitive procedure. Repeated reliance by the individual on the special preferential procedure would, in substance, have enabled the auction requirement to be circumvented.

The legal position in Case No. 340/6113/21 [4] protects several components of the public interest at once. First, auctions ensure equal access for potential users to a land resource. Secondly, competition enables the community to obtain an economically justified rent. Thirdly, the prohibition on repeated preferential acquisition prevents the formal use of an individual's status to expand an already established farming enterprise outside the ordinary procedure.

In Case No. 580/1300/22 [5], the Supreme Court expressly described compliance with the procedure for allocating State-owned and municipally owned land as a distinct public interest. Competitive disposal promotes rational land use, equality before the law and the prevention of discrimination. This marks an important shift in emphasis: land auctions are viewed not only as a means of generating public revenue, but also as a procedural guarantee of impartial public administration.

In Cases Nos. 120/19319/21-a [6] and 400/4760/21 [18], the Court confirmed that once a plot has been included in the list of auction lots, the authority may not continue a parallel non-competitive allocation procedure. Otherwise, the decision to hold an auction would lose its practical effect and the person who applied earlier would obtain an unjustified advantage over other potential participants. The applicant is not denied access to the land: he or she may participate in the auction or apply in respect of another available plot.

In Case No. 160/3164/22 [7], the proper purpose of discretion arose in a different context. The city council included a municipally owned land plot in a list of areas on which development was prohibited. The claimant relied on its ownership of immovable property and the preparation of land-management documentation, but had no formally established right to the land. The Supreme Court took account of the community's interest in preserving green and landscaped areas, as well as national-security considerations connected with the wartime use of a facility located there.

The position adopted in Case No. 160/3164/22 [7] shows that a council's discretion in managing municipal land may be exercised to restrict development where the decision pursues a lawful aim, is based on socially significant circumstances and does not interfere with an existing right in rem of the claimant. The mere preparation of documentation or ownership of a building does not guarantee the transfer of adjacent municipal land and does not prevent the community from reassessing the priorities for its use.

The public interest does not, however, legitimise every decision of an authority. It must be specified, linked to the authority's competence and supported by the facts. In Case No. 160/3164/22 [7], the relevant factors were the municipal ownership of the land, the absence of an established right on the part of the claimant, the environmental and landscaping characteristics of the area, and security needs. Without that combination, an abstract reference to the community's interest could become a basis for unlimited discretion.

The case law on auctions and the management of municipal land therefore establishes a general standard: a public authority must dispose of land not as an ordinary private owner, but as a fiduciary steward of a public asset. This requires competition, equality, transparency, a proper purpose and the possibility of judicial scrutiny of the reasons for the decision.

## **5. The public interest in preserving protected, recreational and urban-planning areas of particular value**

A distinct line of case law concerns land of heightened public value, whose legal regime cannot be determined solely by reference to economic benefit or formal inclusion within a particular administrative territory. This category includes land forming part of the Nature Reserve Fund, recreational areas, forests, land beneath cultural-heritage sites and territories subject to special restrictions under urban-planning documentation.

In Case No. 140/279/21 [1], the Supreme Court considered the substitution of a debtor in enforcement proceedings following the legislative transfer of certain State-owned land into municipal ownership. The Main Directorate of the State Service of Ukraine for Geodesy, Cartography and Cadastre (the State Geocadastre) sought to be replaced by the territorial community, relying on paragraph 24 of Section X of the Land Code of Ukraine. The Court established that land forming part of the Nature Reserve Fund of national importance falls within the statutory exceptions and does not pass automatically into municipal ownership.

The significance of Case No. 140/279/21 [1] extends beyond procedural succession. It confirms that the special environmental-protection regime prevails over the general rule decentralising land ownership. The transfer of powers to communities cannot be interpreted as a mechanism for automatically changing the form of ownership of especially valuable land. This approach safeguards the coherence of State policy concerning the Nature Reserve Fund and prevents fragmented disposal of such land.

In Case No. 640/25350/21 [8], the dispute concerned an inspector's order relating to the use, as a car dealership, of part of a recreational land plot leased to a football club for the construction and maintenance of football pitches. The Supreme Court linked the designated use of recreational land to the constitutional value of life and health and to the development of physical culture and sport. Commercial use unrelated to the purpose of the plot breached not only the terms of the lease, but also the public function of recreational land.

Case No. 640/25350/21 [8] is also important for understanding the proportionality of land-use control. The lower courts regarded the order as disproportionate, but the Supreme Court focused on the nature of the breach and the fact that the authority required the use of the land to be brought into conformity with its lawful purpose. Proportionality does not oblige the administration to tolerate commercial activity that in practice displaces a socially beneficial recreational function.

In Case No. 640/19905/21 [14], the issue was whether a multifunctional complex could lawfully be constructed in the recreational area of Pushcha-Vodytsia. The courts upheld the developer's claim and ordered the issuance of urban-planning conditions and restrictions. The Supreme Court considered those conclusions premature because the courts had not examined the textual and graphic components of the planning documentation, the area's special resort and recreational regime, or the actual functional purpose of the proposed development.

The position in Case No. 640/19905/21 [14] requires an assessment not of the formal label 'multifunctional complex', but of the development's actual content and compatibility with the recreational function. Urban-planning conditions cannot be issued solely on the basis of a general assumption that certain ancillary activities may be permissible. The authority and the court must determine whether recreation remains the predominant purpose of the territory or whether the proposal in substance entails its residential or commercial transformation.

In Case No. 420/7463/20 [12], the prosecutor challenged a village council decision granting permission to prepare a land-management plan for an area for which no proper urban-planning documentation existed. The court of appeal considered that the decision, having already been implemented, did not infringe the interests of the State. The Supreme Court held that compliance with the prescribed land-allocation procedure is itself a public interest and that the State's interests in the land sphere encompass those of the territorial community.

Case No. 420/7463/20 [12] rejects the proposition that an intermediate land decision ceases to matter once it has been formally implemented. Permission initiates the process of forming a land plot and may create the factual and legal preconditions for its subsequent alienation. Where the proposed location conflicts with the master plan or the functional designation of the area cannot be established, judicial scrutiny at an early stage prevents an unlawful procedure from being completed.

In Case No. 320/2015/22 [13], the master plan designated part of privately owned agricultural land for a cemetery. The Supreme Court considered not only the right of property, but also the possible impact of the planning decision on the residential environment and the right to respect for private and family life. Planning documentation has long-term effects and may restrict the use of property even before individual decisions are adopted. Access to proceedings challenging such documentation therefore constitutes a preventive remedy.

In Case No. 140/33101/23 [23], the environmental public interest had to be reconciled with the rights of the land user. Functional zoning of a national park pursues nature-conservation objectives, but the inclusion of privately owned or lawfully used land within a particular zone must take place under the prescribed procedure and, where required by law, with the land user's agreement. The environmental objective does not release the State from the duty to establish the park's boundaries, examine the plot's actual location and ensure the participation of the interested person.

Judicial protection of the public interest in environmental and urban-planning matters is therefore not a unilateral assertion of State priority over the private individual. Its purpose is to secure the lawful regime of an especially valuable area, a complete establishment of the relevant facts and a fair balance between the environmental objective and the land user's rights.

## **6. Cultural heritage, naturally afforested land and the limits of representation by the prosecutor**

The public interest in land disputes often requires procedural representation by the prosecutor. The Supreme Court's case law does not, however, reduce such representation to an abstract invocation of the State interest. It is necessary to identify the specific public value at stake, the competent authority, the nature of its action or inaction, and the connection between the remedy sought and the genuine restoration of legality.

In Case No. 340/6113/21 [4], the prosecutor brought proceedings concerning the non-competitive transfer of land for farming. A particular feature of the case was the absence of any other State body empowered to bring that specific claim against the local authority. Before commencing proceedings, the prosecutor had asked the council to remedy the breach, but the decision was not revoked. The Supreme Court found sufficient grounds for representation because, without the prosecutor's claim, the unlawful disposal of a public asset would have escaped judicial scrutiny.

In Case No. 420/7463/20 [12], the prosecutor defended the State's interest in compliance with the rules governing land-use and urban planning. The Supreme Court stressed that the State interest is not necessarily identical to a State authority's ownership right. It may consist in ensuring the lawful spatial organisation of territory, compliance with the master plan and the prevention of chaotic land allocation. The interests of the relevant community form part of the broader State interest in the lawful use of land.

In Case No. 440/1326/25 [33], the prosecutor challenged the city council's failure to consider a submission from the territorial office of the State Forest Resources Agency seeking the classification of twenty plots as naturally afforested land. The lower courts returned the statement of claim without opening proceedings because the regulations governing the Agency did not expressly confer a right to bring such proceedings. The Supreme Court held that this formalism was incompatible with access to justice. The territorial forestry authority is a direct participant in the procedure: it identifies naturally afforested areas and makes a submission to which the council must respond properly.

In Case No. 440/1326/25 [33], the absence of an express procedural provision in subordinate regulations could not negate the authority's legally protected interest in performing its core function. Moreover, the competent authorities, although aware of the council's inaction, informed the prosecution service that they would not bring proceedings themselves. Such passivity in the field of environmental security demonstrated inadequate protection of the State's interests and provided grounds for representation by the prosecutor.

Case No. 440/1326/25 [33] is of particular significance for environmental policy. The legal category of naturally afforested land was introduced to preserve naturally formed forests, increase forest cover and fulfil climate commitments. If a local authority may leave a submission unexamined indefinitely, while the State authority is denied access to a court because its regulations contain no express reference to litigation, the legislative purpose is effectively defeated. In such circumstances, the administrative court secures compliance with the State's positive obligation to maintain ecological balance.

A different limit on representation by the prosecutor was established in Case No. 420/8947/24 [31]. The prosecutor sought an order requiring the city council to conclude a cultural-heritage protection agreement in respect of an archaeological monument of national importance, on the assumption that the land beneath it, which had not been formed into a cadastral plot, had passed into municipal ownership. The Supreme Court dismissed the claim because archaeological monuments and the land on which they are situated are in the exclusive ownership of the State. The general rule under which unformed land automatically passes to communities does not extend to specially protected categories.

The position in Case No. 420/8947/24 [31] does not weaken the protection of cultural heritage. On the contrary, it requires the claim to be directed against the proper authority. Imposing an obligation on a body that is neither the owner nor vested with the relevant competence would create only an appearance of judicial protection. An effective judgment must be legally and factually enforceable; the prosecutor must therefore identify correctly the form of ownership, the competent authority and the statutory mechanism for heritage protection.

A comparison of Cases Nos. 440/1326/25 [33] and 420/8947/24 [31] supports a balanced approach. An administrative court should not bar a claim of public importance through an excessively formal interpretation of powers where the authority has a direct functional connection with the disputed procedure. At the same time, the court cannot grant a claim merely because the asset is of high public value if the relief is sought against a body on which the law imposes no corresponding duty.

## **7. The State Land Cadastre, territorial boundaries and accountability for digital administration**

The State Land Cadastre is not merely a technical body of data. The entry, amendment or cancellation of cadastral information affects the ability to exercise rights, the distribution of competence among communities, taxation, urban planning and land protection. The automated or technical character of individual operations therefore does not remove the administrative authority's responsibility for the lawfulness of the outcome.

In Case No. 140/11950/23 [19], the actions of a State cadastral registrar in amending information concerning a land plot were challenged on the ground, advanced by the prosecutor, that the amendment had been made without a local-authority decision. The Supreme Court held that scrutiny of such action falls within administrative jurisdiction. A cadastral registrar is not a neutral technical operator: the registrar exercises statutory public powers and must verify the adequacy of the documents, their compliance with the prescribed procedure and the limits of his or her competence.

In Case No. 520/34082/23 [20], the Supreme Court supplemented that approach by requiring the participants in the judicial proceedings to be properly identified. Registration of a plot on the application of a third party may simultaneously affect the applicant, the owner of immovable property situated on the land, adjoining users and the authority empowered to dispose of the land. Judicial scrutiny must encompass not only the abstract correctness of the entry, but also the procedure by which the plot was formed, the documents submitted by the applicant and the legal consequences for other participants.

In Case No. 420/32580/23 [24], the Supreme Court considered the cancellation of the State registration of a plot because no right in rem had been registered within one year. The law permits cancellation on that basis only where the applicant is at fault. Transfer of the plot to the cadastre's archive layer cannot therefore occur automatically without establishing why the right was not registered. The significance of an existing State act evidencing the right of use and any overlap with other plots must also be examined.

Taken together, Cases Nos. 140/11950/23 [19], 520/34082/23 [20] and 420/32580/23 [24] establish a standard of accountable cadastral administration. A State registrar must act only on the basis of proper documents; the cadastral authority may not rely blindly on the automatic operation of its information system; the court must join all persons with a material interest; and the adverse consequences of a technical or inter-agency problem may not be imposed on the applicant without examining fault.

In Case No. 560/18940/23 [21], the dispute concerned approval of a plan to alter village boundaries and the entry of the relevant information in the cadastre. The lower courts reasoned that the official boundaries of the neighbouring city had not been established and that the registrar therefore had no statutory ground for refusal. The Supreme Court stressed that the absence of formally approved boundaries does not mean that a settlement does not exist as a territorial entity. In such circumstances, it is necessary to examine the actual boundaries, historical materials, the agreement of neighbouring communities and the competence of the authorities involved.

The approach in Case No. 560/18940/23 [21] prevents cadastral uncertainty from becoming a means of unilateral territorial expansion. A local authority may not exploit the absence of completed documentation for a neighbouring settlement in order to incorporate that settlement's actual territory within its own boundaries. For its part, the registrar must not assess the formal completeness of the submitted documents in isolation from an evident territorial conflict.

Cadastral and tax administration intersected in Case No. 260/3056/20 [15]. The owner of immovable property challenged the creation of data concerning the normative monetary valuation of the land, arguing that the plot had not been formed, had no cadastral number and that no right of use had been registered in the owner's name. The Supreme Court held that a person who acquires a building cannot avoid land tax by failing to comply with the duty to formalise the right to the land. The transfer of ownership of the immovable property creates a lawful connection with the plot, and bad-faith delay in formalising that connection should not confer a tax advantage.

At the same time, Case No. 260/3056/20 [15] does not confer an unlimited power on authorities to determine land characteristics arbitrarily. It establishes that a person may not rely on uncertainty that he or she has created or maintained in order to avoid a public-law obligation. The authority must nevertheless generate the data using the lawful methodology, a correctly determined area and the actual connection between the immovable property and the land.

This qualification is especially important in the light of Case No. 520/16250/23 [17]. An extract stating the normative monetary valuation had been generated automatically using an overstated local coefficient. The defendant argued that its officials had no influence over the software calculation. The Supreme Court rejected any transfer of legal responsibility to software. The authority issuing an official document remains responsible for the lawfulness of the data used, irrespective of the technical manner in which those data were generated.

In Case No. 520/16250/23 [17], automation is treated as an instrument of the administration, not as an autonomous decision-maker. Where an algorithm or geographic information system produces a coefficient that conflicts with a normative act, the authority must verify and correct the result. Otherwise, digitalisation would create a zone of non-accountability in which an unlawful decision could not be attributed to a specific public authority.

In Case No. 460/22384/23 [26], the Supreme Court examined the relationship between the automated validation of an application in the Unified State Electronic System in the Construction Sector and the subsequent decision of the

competent authority. The Court proceeded on the basis that any inconsistency between the designated and functional use of a land plot and the urban-planning documentation is checked by the system's software when the application is generated, and that submission is blocked where a critical risk level is identified. It was also decisive in that case that the proposed underground car park was situated within the same category of land for residential and public development and that the authority had failed to give adequate reasons for its refusal.

The judgment confirms the need for consistency between the automated and administrative stages of examination. The authority may take account of circumstances not verified by the automated system, but it must state clear reasons for its decision and may not invoke technical obstacles contrary to the system's prescribed operating rules.

Digitalisation of land and urban-planning administration therefore heightens the requirements of legal accountability. The greater the impact of an automated output on taxation, development rights or the legal existence of a cadastral object, the more important are the verifiability of the data, the possibility of correcting errors and the clear attribution of responsibility to the administrative authority.

## **8. Normative monetary valuation and special judicial scrutiny of normative legal acts**

Decisions on the normative monetary valuation of land have a dual character. They are adopted by a local authority in the exercise of land-management powers, while also establishing general rules for an indeterminate group of taxpayers and being applied repeatedly in the calculation of taxes and rent. Their adoption and judicial challenge therefore require special procedural safeguards.

In Case No. 320/2796/23 [16], the Supreme Court classified a village council decision approving technical documentation for normative monetary valuation as a normative legal act. The courts had erroneously treated the case as one of minor complexity and examined it in simplified proceedings. That procedure prevented proper notification of all persons to whom the act applied and did not secure the special legal consequences provided for in Articles 264–265 of the Code of Administrative Procedure of Ukraine.

Treating that procedural breach as an unconditional ground for a fresh examination in Case No. 320/2796/23 [16] protects more than the claimant's procedural interest. A judicial declaration that a normative act is invalid affects numerous taxpayers, lease agreements, the local budget and the subsequent administration of payments. General proceedings and publication of a notice enable other interested persons to submit arguments and permit the court to consider the full range of private and public consequences.

In Case No. 320/10183/22 [25], the Supreme Court confirmed that a normative monetary valuation decision is also a regulatory act. The village council had failed to publish the draft decision and the regulatory impact analysis, in breach of the mandatory procedure. Openness is especially important because normative valuation directly determines the financial burden borne by businesses and the level of local-budget revenue.

At the same time, in Case No. 320/10183/22 [25], the Court distinguished between the consequences of the unlawfulness of the act and those affecting individual documents issued on its basis. The extracts ceased to have effect not when they were generated, or when the normative decision was adopted, but when the judgment declaring the act invalid became final. This approach preserves a balance between the need to terminate unlawful regulation and the principle of legal certainty.

In Case No. 520/16250/23 [17], normative monetary valuation was considered at the level of an individual extract. The Court established that the automatically applied local coefficient was inconsistent with the city council's decision and the applicable regulatory framework. The case was of particular public importance because the valuation affected the amount of rent payable into the local budget, while separate proceedings for recovery of the money had been stayed pending determination of the administrative dispute.

Cases Nos. 320/2796/23 [16], 320/10183/22 [25] and 520/16250/23 [17], taken together, demonstrate a three-tier model of judicial scrutiny. At the first tier, the procedure for adopting the normative act is reviewed. At the second, compliance with the special procedure for judicially challenging that act is examined. At the third, the correct individual application of the normative valuation in an official extract is assessed. The effectiveness of administrative justice lies in its capacity to scrutinise all three tiers without conflating their respective legal nature.

## 9. Effective judicial remedies and the prevention of repeated litigation

In the Supreme Court's case law, effective judicial protection means more than a formal declaration that a violation has occurred. The remedy must correspond to the nature of the unlawful conduct, genuinely restore the right, remove the consequences and, so far as possible, prevent the need for further proceedings.

This approach was expressed most clearly in Case No. 520/16250/23 [17]. Quashing the incorrect extract alone would not have provided the claimant with a document stating the correct normative monetary valuation. The Supreme Court therefore amended the operative part of the judgment and ordered the authority to issue a new extract using the lawful coefficient. The Court expressly stated that an effective remedy must be complete, appropriate to the circumstances and capable of finally resolving the disputed legal relationship.

In Case No. 640/35685/21 [3], effectiveness was considered at the stage of interim relief. Kyiv City Council challenged a decision extending the boundaries of the settlement of Kotsiubynske into the territory of Kyiv and sought both suspension of the decision and an order prohibiting an indeterminate group of persons from making changes to the cadastre. The Supreme Court agreed that suspending the contested act was sufficient to prevent cadastral changes. The additional general prohibition was excessive.

Case No. 640/35685/21 [3] establishes criteria for the proportionality of interim relief: a connection between the measure and the subject matter of the claim; a genuine risk that enforcement of the future judgment would otherwise be impeded; a fair balance between the parties' interests; and the absence of any de facto determination of the merits in advance. Effectiveness does not mean imposing the most intensive restriction available. The court must choose the minimum measure necessary to preserve the possibility of enforcing its future judgment.

Enforceability was central in Case No. 480/279/21 [11]. After the judgment became final, the State Geocadaastre sought to be replaced as debtor by the relevant city council because land outside settlement boundaries had passed into municipal ownership. The courts refused on the ground that enforcement proceedings had not formally been opened. The Supreme Court held that this approach was premature: procedural succession may be necessary even before enforcement proceedings are opened where the judgment cannot otherwise be enforced.

In Case No. 480/279/21 [11], the courts had to establish whether the disputed land had in fact passed to the community, whether it fell within any statutory exception, and whether both the competence and the duty to comply with the judgment had been transferred. A debtor cannot be replaced automatically merely because of a general legislative reform. Equally, refusal on a formal procedural ground must not leave the judgment creditor with a judgment addressed to a body that no longer possesses the relevant substantive power.

Case No. 140/279/21 [1] illustrates the other side of procedural succession. The State Geocadaastre likewise sought to be replaced by the community, but the land formed part of the Nature Reserve Fund and had not passed into municipal ownership. Effective enforcement does not justify replacing the proper debtor with an improper one. The judgment must be implemented by the body to which competence in respect of the specific category of land has actually passed.

In Case No. 640/39548/21 [29], the Supreme Court set aside judgments ordering Kyiv City Council to consider an application at a plenary sitting. Formally, that might have appeared to afford protection against inaction, but the special procedure vested the relevant function in a different office-holder and required a different form of decision. Remittal for a fresh examination was necessary in order to identify the proper defendant and a remedy capable of producing a genuine consideration of the application.

In Case No. 480/5652/24 [28], effectiveness consisted primarily in securing access to the proper court. Discontinuing the administrative proceedings would have compelled the applicant to commence new proceedings before a commercial court, even though the complaint concerned breaches of administrative procedure. The Supreme Court removed the jurisdictional barrier and remitted the case for continuation of the proceedings. Access to a court having jurisdiction is the primary condition of any effective remedy.

In Case No. 320/2015/22 [13], effectiveness was preventive. The person was allowed to challenge a normative urban-planning act before it was applied individually. Requiring her to wait until land was actually allocated for the cemetery, or until another final interference occurred, could have made protection too late. The standing of a person who will participate in the future legal relationship therefore enables early scrutiny of the normative decision.

Taken together, these positions require an effective administrative court to answer three questions: what precisely was the violation; what legal and factual outcome is necessary to remedy it; and whether the chosen form of relief will bring the dispute to an end without another cycle of administrative refusals and judicial proceedings. At the same time, the court must not substitute itself for the administrative authority where the law leaves the latter a genuine discretion.

## **10. Proportionality of interference with property, public necessity and martial law**

The public objective of a land decision does not release the administrative authority from the duty to comply with the principle of proportionality. The more intensive the interference with ownership or use rights, the more compelling must be the lawful aim, the factual necessity, compliance with procedure and the absence of less burdensome alternatives.

In Case No. 852/2a-6/24 [27], a district military administration sought the compulsory acquisition of a privately owned house and land plot in order to establish facilities within an undertaking's sanitary protection zone. The Supreme Court dismissed the administration's appeal because the owner had not been offered other suitable accommodation, it had not been shown that the objective could not be achieved by other means, and all safeguards required at the pre-acquisition stage had not been observed.

Compulsory acquisition in Case No. 852/2a-6/24 [27] was treated as an exceptional measure. Monetary compensation is not always sufficient where the law expressly guarantees alternative accommodation and the owner has not agreed to another arrangement. Rejection of the sum offered does not amount to a waiver of the housing guarantee. The administrative court examines not only the formal existence of a public necessity, but also the fair balance, the reality of the negotiations and whether the interference answers a pressing need.

In Case No. 160/3164/22 [7], the restriction on development of municipal land was likewise assessed by balancing private and public interests. The intensity of the interference was, however, different: the claimant had no established right to the plot, while the council was determining the use regime of its own municipal asset. The community's interests in preserving green spaces, maintaining public amenities and ensuring security could therefore outweigh the person's earlier plans to formalise a right to the land.

A comparison of Cases Nos. 852/2a-6/24 [27] and 160/3164/22 [7] shows that proportionality depends on how fully the private right has been established. Compulsory deprivation of a person's home requires the strictest safeguards. By contrast, a change of plans concerning a municipal plot to which the individual has not yet acquired a right leaves the authority a wider margin of discretion, although its decision must still be lawful and reasoned.

Martial law created a distinct category of land restrictions. In Case No. 300/3771/22 [10], the claimants had applied in 2021 for permission to prepare land-management plans. After a judgment requiring reconsideration of their applications, the council refused them during martial law. The Supreme Court applied the mandatory prohibition, in force from 7 April 2022, on the free transfer of State-owned and municipal land into private ownership, on granting permissions and on preparing documentation for that purpose.

The position in Case No. 300/3771/22 [10] underlines the principle *tempus regit actum*: when reconsidering a matter, the administrative authority applies the law in force at the time of the new decision unless the law expressly provides otherwise. An earlier application or a judgment requiring reconsideration does not create a right to demand that the authority disregard a new mandatory prohibition. Judicial protection against inaction guarantees due consideration, but does not freeze the substantive law as at the date of the original application.

Martial law does not, however, make every refusal automatically lawful. An administrative act must state adequate reasons, identify the applicable provision and correspond to the specific circumstances. This approach was further developed in 2026 in Case No. 160/34929/24 [36], considered below.

## 11. Further development of the established approaches in the 2026 case law

In Case No. 160/34929/24 [36], a settlement council refused permission to prepare a land-management plan, relying on the designated use of the land and the proposition that it could be granted only by lease. The courts held the refusal unlawful because none of the grounds prescribed by Article 118 of the Land Code of Ukraine was present. In its appeal on points of law, the council additionally relied on the wartime prohibition on the free transfer of land into private ownership. The Supreme Court varied the reasoning of the judgments but left their operative parts unchanged.

The significance of Case No. 160/34929/24 [36] lies in the prohibition on a court substituting its own reasons for those of an administrative act. Even if a potentially lawful ground for refusal existed when the decision was taken, the authority itself had to identify that ground and explain its application. A court may not retrospectively cure an adverse act by adding reasoning on which the administration did not rely. Otherwise, the right to a reasoned decision and to effective review would lose its practical effect.

In Case No. 140/1916/25 [37], one territorial community challenged another community's decision establishing boundaries that overlapped with its territory. The Supreme Court confirmed that the agreement of the neighbouring community was required and that disputed land could not be incorporated unilaterally. A boundary decision has continuing effect and is not exhausted when the information is entered in the cadastre; its lawfulness may therefore be reviewed for as long as it defines the community's spatial competence.

Case No. 140/1916/25 [37] develops the approach taken in Case No. 560/18940/23 [21]. Territorial uncertainty, incomplete documentation or silence on the part of the neighbouring council does not entitle an authority to establish boundaries contrary to the factual and lawful territorial organisation. The principle of legal certainty protects not only private landowners, but also the stability of the competences of territorial communities.

In Case No. 240/11952/25 [38], a company applied to the city council for the allocation of land together with a change of designated use. The council removed the matter from consideration and, at the same time, authorised subdivision of the plot. The Supreme Court declared the inaction unlawful, quashed the subdivision decision in the relevant part and ordered the council to reconsider the application and adopt one of the decisions provided for by law.

The legal position in Case No. 240/11952/25 [38] brings together several themes running throughout this Review. Removing a matter from consideration is not an administrative act that properly determines the application; an application addressed to the mayor cannot be treated as not having been submitted to the council where the authority actually incorporated it into its procedure; a parallel subdivision of the plot may not be used to create obstacles for the applicant; and the court may quash even an implemented decision where this is necessary fully to restore the legal position.

Together, these three judgments [36]–[38] confirm the continuing shift from formalistic land administration towards a model in which the authority is required to adopt a clear, reasoned, consistent and proportionate decision, while the administrative court must ensure that the illegality is effectively remedied without usurping the administration's lawful discretion.

## CONCLUSIONS

1. The Supreme Court's case law from 2022 to 2026 establishes a functional approach to identifying a public-law land dispute. The decisive question is not whether the factual relationship concerns land or immovable property, but whether the defendant performed public administrative functions: cadastral registration; consideration of an application in the land sphere; approval of urban-planning or land-management documentation; establishment of a special territorial regime; or State supervision. The proprietary consequences of an administrative act do not displace administrative jurisdiction. This approach prevents the exercise of public power from escaping specialised scrutiny merely because it affects property rights.

2. In land disputes, the administrative court performs a broader function than resolving a conflict between an individual applicant and a public authority. It exercises judicial scrutiny over compliance with the requirements of legality in the public administration of land resources and territories. The matters reviewed include competence,

lawful purpose, completeness of the factual inquiry, participation of interested persons, justification, proportionality, consistency of the public authority's conduct and enforceability of the decision. The effectiveness of administrative justice is also reflected in the preventive judicial protection of rights and legitimate interests: the possibility of challenging a normative legal act or urban-planning documentation before its application produces irreversible proprietary or environmental consequences.

3. The Law of Ukraine 'On Administrative Procedure' systematised requirements that had already been developing in part in the Supreme Court's case law and placed them on a single statutory foundation. An application in the field of land relations that falls within the competence of an administrative authority must be considered in an administrative procedure, and the determination of the merits must be formalised in an administrative act. Removing the matter from consideration, sending a letter, formally returning documents or postponing the matter indefinitely cannot substitute for the statutory permission or a reasoned refusal. The right to be heard, the participation of interested persons and the establishment of the relevant facts by the authority of its own motion are guarantees of a correct determination.

4. In the Supreme Court's case law, State-owned and municipal land is consistently treated as a public asset. Where a person's right to a specific plot has not yet crystallised, the authority may prefer a competitive method of disposal, provided that it acts in accordance with the law. Land auctions secure not only revenue for the relevant budget, but also equality, transparency, the prevention of discrimination and rational use of the resource. Legitimate expectations protect the consistent completion of a lawfully initiated procedure, but do not create a right to block a transition to competitive disposal of land.

5. The public interest in land disputes has objective legal content and a multi-component structure. It encompasses preservation of protected and recreational land, forests and naturally afforested areas; protection of cultural heritage; compliance with urban-planning documentation; generation of local-budget revenue; prevention of risks to the operation of energy infrastructure; and national security. At the same time, the legitimacy and public importance of the purpose of an administrative act do not excuse a breach of competence or procedure. Judicial protection is effective only where the claim is directed against the proper public authority and the remedy corresponds to the land's special legal regime.

6. A prosecutor may represent the interests of the State where the statutory conditions are met, including where a breach of the legally prescribed procedure for the use or disposal of land affects public interests and the competent authority is absent or, despite having been duly notified by the prosecutor, fails to protect those interests or does so inadequately. Courts should not restrict access to justice through an excessively formal interpretation of provisions defining a State body's powers where the claim is directly connected with that body's functions. At the same time, the prosecutor remains required to identify correctly the form of ownership, the proper defendant and a remedy that is legally enforceable.

7. Legal certainty in land relations requires consistency from both the private person and the public administration. An authority may not rely on defects in cadastral information caused by its own conduct, contradictory decisions or an unresolved situation as a ground for preventing a person from exercising an existing subjective right. At the same time, an applicant cannot transform the mere submission of an application into a guaranteed right to land. Judicial protection extends to a crystallised subjective right, a legally protected interest and a legitimate expectation based, in particular, on a valid document whose duration is not limited by law; it does not extend to a subjective hope of obtaining a public asset without a sufficient legal basis.

8. Digitalisation of the land cadastre, normative valuation and urban-planning procedures does not release a public authority from legal responsibility. An automated system is not an autonomous public authority. The body remains responsible for the lawfulness of an official document issued or an administrative act adopted and cannot transfer that responsibility to software. The results of automated validation must be properly taken into account, and any departure from them in a subsequent administrative act must be adequately reasoned; a software algorithm cannot justify an unlawful decision.

9. Effective judicial protection must provide a full and final remedy for the violation. Depending on the circumstances, this may require suspension of an act, quashing an unlawful decision, ordering the authority to generate a new extract using the correct parameters, or requiring reconsideration of an application; at the procedural level, it may require the joinder of all interested persons; and at the enforcement stage, substitution of

the debtor where procedural succession has occurred. A mere declaration that a decision, action or omission is unlawful, without enabling the right to be exercised, does not satisfy the purpose of administrative justice. At the same time, the court must not itself dispose of land where, after the violation has been remedied, the administrative authority retains discretionary powers.

10. The overall direction of the case law is a transition from viewing a land dispute primarily as a private-law property conflict to a comprehensive model of judicial scrutiny over the public administration of land resources and territories. Within this model, administrative justice protects the individual against unlawful decisions, acts or omissions of public authorities; the territorial community against opaque, non-competitive or inefficient disposal of land; and the State and society against infringements of public interests in environmental protection, preservation of recreational areas and cultural heritage, and the proper generation of budgetary revenue. Due administrative procedure is the central means of maintaining that balance. It is designed to ensure that a decision taken in the exercise of public authority is based on a complete establishment of the relevant facts, respects the rights of interested persons, is properly reasoned and remains subject to effective administrative and judicial scrutiny.

## TRANSPARENCY STATEMENT ON THE USE OF ARTIFICIAL INTELLIGENCE

In preparing this Review, artificial-intelligence tools were used as auxiliary means for structural editing, linguistic and stylistic refinement, checking the logical coherence of the exposition and generating alternative formulations of individual passages. Having regard to the GAIDeT (Generative AI Delegation Taxonomy) approach [Additional materials and sources: item 5], this use was assistive in nature and did not extend to defining the research concept, evaluating the sources from a legal perspective or formulating the final conclusions.

The research concept, legal interpretation of the sources, assessment of the case law, scholarly conclusions and final wording of the text are the author's own. All outputs generated with the assistance of artificial-intelligence tools were verified and critically assessed, and were accepted or rejected by the author.

## AUTHOR'S NOTE

This Review is an independently authored information and analytical paper; it is neither an official review nor an official position of the Supreme Court. It was prepared on the basis of an analysis of Supreme Court judgments in public-law land disputes. The generalisations presented reflect the Supreme Court's legal approaches within the scope of cassation review in the relevant cases and are not a substitute for reading the full texts of the judgments. The assessment of the practical significance of those approaches for private and public interests represents the author's own synthesis.

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