Application No. 11048/84
by Jörg DREHER
against Ireland

The European Commission of Human Rights sitting in private on 6 July 1987 the following members being present:

MM. C. A. NØRGAARD, President
J. A. FROWEIN
G. JÖRUNDSSON
S. TRECHSEL
A. S. GÖZÜBÜYÜK
A. WEITZEL
J. C. SOYER
H. G. SCHERMERS
H. DANELIUS
G. BATLINER
H. VANDENBERGHE
Mrs. G. H. THUNE
Sir Basil HALL
Mr. F. MARTINEZ
Mr. C. ROZAKIS
Mrs. J. LIDDY

Mr. H. C. KRÜGER Secretary to the Commission

Having regard to Article 25 of the Convention for the Protection of Human Rights and Fundamental Freedoms;

Having regard to the application introduced on 19 December 1983 by Jörg Dreher against Ireland and registered on 24 July 1984 under file N° 11048/84;

Having regard to the report provided for in Rule 40 of the Rules of Procedure of the Commission;

Having deliberated;

Decides as follows:

THE FACTS

The applicant, Mr. Jörg Dreher, was born in 1942 and is a German citizen. He is a farmer by profession and, at present, resides in Heidelberg. He is represented in proceedings before the Commission by Dr. O. H. L. Messer, a lawyer practising in Kehl.

In 1963 the applicant purchased land in Ireland and was registered as full owner of the land on 8 January 1965. In 1966 the Irish Land Commission notified the applicant that it intended to acquire his land pursuant to the provisions of the Land Acts and on 15 March 1967, after a hearing during which the applicant's objections were rejected, the lay commissioners of the Land Commission made an order for the acquisition of his property. This order was confirmed by Order of the Appeal Tribunal on 28 October 1970.

The applicant appealed against the award of compensation offered him by the Land Commission and on 23 October 1970 a Judicial Commissioner fixed the quantum of compensation at £30,000 payable in 9 3/4% Land Bonds equal in nominal value to £30,000. The amount of £30,000 so fixed by the judicial commissioner was the amount equal to the market value of the land as is required by Section 25 of the Land Act 1923 (as amended by Section 5(1) of the Land Act 1950).

The applicant subsequently challenged the constitutionality of payment of compensation in Land Bonds submitting that this resulted in compensation less than the market value, but his claim was eventually rejected by the Supreme Court in a judgment delivered on 1 July 1983.

COMPLAINTS

The applicant complained under Article 1 of Protocol No. 1 to the Convention that the deprivation of his lands was not in the public interest and that the amount offered by way of compensation was inadequate and did not conform to the standard of compensation prescribed by international law.

He further complained under Article 6 para. 1 of the Convention of the alleged unfairness and of the length of the procedure before the Land Commission and the Appeal Tribunal.

Finally, the applicant complained under Article 14 of the Convention inter alia on the basis that he was discriminated against on grounds of his nationality since similar acquisition procedures were not taken against Irish nationals.

PROCEEDINGS BEFORE THE COMMISSION

The application was introduced on 19 December 1983 and registered on 24 July 1984.

Since the lodging of the application the applicant's legal representative raised his complaint through diplomatic channels with the Irish Government. In a letter dated 17 May 1987 the applicant's legal representative informed the Secretariat that the applicant's land had now been restored to him and was registered in his name. He further stated that in these circumstances he now sought to withdraw his application before the Commission.

REASONS FOR THE DECISION

The Commission notes that the applicant complained of the compulsory acquisition of his land in Ireland and invoked Articles 6 para. 1 and 14 (Art. 6-1+14) of the Convention and Article 1 of Protocol No. 1 (P1-1). It further notes that after negotiations with the Irish authorities the applicant's land has now been restored to him and that the applicant seeks to withdraw his application before the Commission.

The Commission finds that the applicant no longer intends to maintain his application before the Commission and it sees no reasons relating to the general interest to continue an examination of his application.

For these reasons, the Commission

DECIDES TO STRIKE THE APPLICATION OFF ITS LIST OF CASES

Secretary to the Commission President of the Commission

(H. C. KRÜGER) (C. A. NØRGAARD)