

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

THIRD SECTION

DECISION

Application no. 248/04
by Constanta HODOSAN
against Romania

The European Court of Human Rights (Third Section), sitting on 11 January 2011 as a Committee composed of:

Elisabet Fura, *President,*
Boštjan M. Zupančič,
Ineta Ziemele, *judges,*
and Marialena Tsirli, *Deputy Section Registrar,*

Having regard to the above application lodged on 12 November 2003,

Having deliberated, decides as follows:

## THE FACTS

The application was lodged by Mrs Constanta Hodosan, a Romanian national who was born in 1927 and lives in Timisoara. The Romanian Government ("the Government") were represented by their Agent, Mr R.-H. Radu, of the Ministry of Foreign Affaires.

The applicant complained under Article 6 § 1 and Article 1 of Protocol No. 1 to the Convention about the non-enforcement of a final domestic court judgment ordering the State authorities to issue a title deed and put her in possession of a plot of land formerly nationalised.

On 18 March 2009 the applicant's complaints were communicated to the Government, who submitted their observations on the admissibility and merits on 24 and 31 July 2009. The observations were forwarded to the applicant, who was invited to submit her own observations before 18 September 2009. No reply was received to the Registry's letter.

By a letter dated 23 October 2009, sent by registered post, the applicant was notified that the period allowed for submission of her observations had expired on 18 September 2009 and that no extension of time had been requested. The applicant's attention was drawn to Article 37 § 1 (a) of the Convention, which provides that the Court may strike a case out of its list of cases where the circumstances lead to the conclusion that the applicant does not intend to pursue the application. This letter was returned to the Court with the mention "deceased recipient". No one has manifested the wish to further pursue the application and there are no elements in the file allowing the identification of the applicants possible heirs.

## THE LAW

The Court considers that, in these circumstances, it is no longer justified to continue the examination of the application, within the meaning of Article 37 § 1 (c) of the Convention. Furthermore, in accordance with Article 37 § 1 *in fine*, the Court finds no special circumstances regarding respect for human rights as defined in the Convention and its Protocols which require the continued examination of the case.

In view of the above, it is appropriate to strike the case out of the list.

For these reasons, the Court unanimously

*Decides* to strike the application out of its list of cases.

Marialena Tsirli
Deputy Registrar

Elisabet Fura
President