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

FIFTH SECTION

DECISION

Application no. 28943/06
Mykhaylo Grygorovych PIGUR
against Ukraine

The European Court of Human Rights (Fifth Section), sitting on 26 May 2015 as a Committee composed of:

Boštjan M. Zupančič, *President,*
Helena Jäderblom,
Aleš Pejchal, *judges,*

and Milan Blaško, *Deputy Section Registrar,*

Having regard to the above application lodged on 7 July 2006,

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Mykhaylo Grygorovych Pigur, is a Ukrainian national, who was born in 1935 and lives in Smilna.

The facts of the case, as submitted by the applicant, may be summarised as follows.

In a judgment of 23 April 2000 the Drohobych Town Court ordered a private individual K. to demolish the building which impeded the applicant to use his plot of land. The judgment was not challenged on appeal and, therefore, became final and binding.

In 2002 the applicant instituted proceedings in the Drohobych Town Court, challenging the failure of the State Bailiffs' Service to enforce that judgment.

On 11 July 2002 the court found that the State Bailiffs' Service had failed to take all the necessary steps to demolish the building in execution of the judgment of 23 April 2000 and obliged the State Bailiffs' Service to enforce the judgment. The judgment of 23 April 2000 remained unenforced.

COMPLAINT

The applicant complains under Article 1 of Protocol No. 1, alleging that by failing to enforce the judgment, delivered in his favour, the State Bailiffs' Service violated his right to peaceful enjoyment of his property.

THE LAW

The Court observes that the applicant challenged the alleged inactivity of the State Bailiffs' Service and that the competent courts allowed his complaint.

Moreover, under the Ukrainian legislation the applicant was entitled to claim compensation on account of the alleged non-enforcement. However, the applicant failed to do so. Accordingly, he cannot be regarded as having exhausted the domestic remedies available to him under Ukrainian law (see, e.g., *Polukhin v. Ukraine* (dec.), no. 14278/07, 7 February 2012, *Kukta v. Ukraine* (dec.), no. 19443/03, 22 November 2005, and *Dzizin v. Ukraine* (dec.), no. 1086/02, 24 June 2003).

It follows that the application must be rejected pursuant to Article 35 §§ 1 and 4 of the Convention.

For these reasons, the Court unanimously

Declares the application inadmissible.

Done in English and notified in writing on 18 June 2015.

Milan Blaško
Deputy Registrar

Boštjan M. Zupančič
President