



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

FIRST SECTION

Application no. 21159/08
Yuriy Anatolyevich ANDRIYEVSKIY against Russia
and 40 other applications
(see list appended)

STATEMENT OF FACTS

The applicants are Russian nationals.

A. The circumstances of the cases

The facts of the cases, as submitted by the applicants, may be summarised as follows.

In 1993 a state-owned enterprise Samaraavtotrans was privatised and reorganised into the joint stock limited liability company Stroitel. According to the privatisation plan, all residential buildings earlier listed on the balance sheet of the Samaraavtorans enterprise were to be transferred to the municipality, while the administrative buildings were to be taken over by the Stroitel company. The privatisation plan referred to the dormitory located at 61 pr. Yunykh Pionerov, Samara, as an administrative building (non-living premises) and it was transferred to the Stroitel company.

As a result of a number of reorganisations of the Stroitel company, the title to the former dormitory building was transferred to the closed joint stock company Stroitel-M. Subsequently, separate rooms in the buildings were re-sold to third parties, including the applicants. The information concerning the applicants' titles to the said real property can be found in the appendix table below. According to the title deeds, the applicants were recognised as owners of non-living premises.

The applicants moved into the rooms and resided there.

On 23 August 2002 the Samara Region Commercial Court found null and void the Samaraavtotrans privatization plan and the agreement of 10 November 1993 entered into by the property fund of the Samara Region and the Stroitel company in part concerning the transfer of the title to the dormitory to the Stroitel company.

On an unspecified date the Promyshlenniy District Prosecutor, acting in the interests of the municipality, brought an action against the Stroitel and Stroitel-M companies and the owners of the rooms in the former dormitory, including the applicants. Referring to the invalidation of the privatisation of

Samaraavtotrans enterprise, the prosecutor noted that the subsequent transactions with the former dormitory building were null and void too and asked the court to return the title to the building to the municipality.

According to the applicants, on 27-28 October 2003 the Promyshlenniy District Court of Samara dismissed the prosecutor's claims. On 20 January 2004 the Samara Regional Court quashed the judgment of 27-28 October 2003 and remitted the matter for fresh consideration to the District Court.

On 14 June 2005 the District Court dismissed the prosecutor's claims.

On 2 August 2005 the Samara Regional Court upheld the judgment of 14 June 2005 on appeal.

On 18 May 2006 the Presidium of the Samara Regional Court quashed the judgments of 14 June and 2 August 2005 by way of supervisory review and remitted the matter for fresh consideration to the District Court. The Presidium noted that the lower courts had erroneously applied the substantive and procedural laws when deciding the matter.

On 14-19 November 2007 the District Court granted the prosecutor's claims in full. The court recognised that the owners of the rooms were *bona fide* buyers. It further ordered that the title to the dormitory building be transferred to the municipality. The municipality, a true owner of the dormitory, had not authorised the purchase of the rooms in the dormitory by their current owners. Accordingly, the dormitory, having been sold in the absence of such authorisation, had left the possession of the municipality, its lawful owner, against its will, and the latter might recover its property from *bona fide* buyers.

On 12 February 2008 the Regional Court upheld the judgment of 14-19 November 2007 on appeal.

It appears that the applicants have not been evicted from the dormitory premises.

B. Relevant domestic law and practice

The relevant domestic law provisions and practices have been summarised in the case of *Gladysheva* (see *Gladysheva v. Russia*, no. 7097/10, §§ 35-37, 6 December 2011).

COMPLAINT

The applicants complain that they have been deprived of their property in contravention of Article 1 of Protocol No. 1.

QUESTIONS TO THE PARTIES

1. Has there been an interference with the applicants' peaceful enjoyment of possessions, within the meaning of Article 1 of Protocol No. 1?
2. Have the applicants been deprived of their possessions in the public interest, in accordance with the conditions provided for by law and in accordance with the principles of international law, within the meaning of Article 1 of Protocol No. 1?
3. If so, was that deprivation necessary to control the use of property in accordance with the general interest? In particular, did that deprivation impose an excessive individual burden on the applicant (see *Gladysheva v. Russia*, no. 7097/10, §§ 64-83, 6 December 2011)?

APPENDIX

No.	Application no.	Lodged on	Applicant name date of birth place of residence	Description of the real property	Date of the registration of the applicants' titles to the real property
1.	21159/08	09/04/2008	Yuriy Anatolyevich ANDRIYEVSKIY 09/01/1968	Room no. 4, 4th floor, measuring 18.50 sq. m; Room no. 5, 4th floor, measuring 18.50 sq. m; and Room no. 1, 10th floor, measuring 36.60 sq. m; room no. 20, measuring 16.10 sq. m; and room no. 23, measuring 10.80 sq. m	16 January 2004 and 2 October 2007; The applicant did not submit a copy of the title deed in respect of rooms nos. 20 and 23.
2.	22903/08	10/04/2008	Svetlana Aleksandrovna MARAKHTANOVA 01/09/1974	Room no. 21, 4th floor, measuring 12.20 sq. m	13 September 2002
3.	24519/08	08/04/2008	Eleonora Valeryevna ASTAPOVA 25/02/1972	Room nos. 1, 2, 3, 38, 4th floor, measuring 22.60 sq. m	6 May 2003
4.	24532/08	15/04/2008	Anna Vladimirovna DIZHENINA 28/07/1979	Room no. 18, 3rd floor, measuring 18.10 sq. m	10 August 2001
5.	24728/08	24/04/2008	Sergey Aleksandrovich DESHIN 20/01/1976	Room no. 14, 1st floor, measuring 20.80 sq. m	10 July 2001
6.	24802/08	14/04/2008	Tatyana Petrovna NELYUKHINA 01/08/1952	Room nos. 13, 57, 58, 4th floor, measuring 17.40 sq. m	30 August 2007

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7.	25084/08	12/04/2008	Vladimir Sergeevich PRIKOLOTIN 07/05/1972	Rooms nos. 12, 63, 64, 3rd floor, measuring 18.20 sq. m	19 July 2007
8.	25091/08	14/04/2008	Aleksandr Stanislavovich KOSTIN 17/04/1956 Irina Adolfovna KOSTINA 28/06/1960 Samara	Rooms nos. 9, 45, 46, 4th floor, measuring 17.50 sq. m	18 August 2006
9.	25557/08	09/04/2008	Vladimir Vasilyevich GUSELNIKOV 13/07/1945	Room no. 40, 5th floor, measuring 12.70 sq. m	11 October 2006
10.	25558/08	10/04/2008	Anna Aleksandrovna KOBINA 14/02/1976	Room no. 22, 4th floor, measuring 12.20 sq. m	13 September 2002
11.	25559/08	10/04/2008	Olga Valeryevna LITVINOVA 11/09/1971	Rooms nos. 30, 31, 70, 71, 3rd floor, measuring 25.30 sq. m	27 November 2006
12.	27545/08	16/04/2008	Irina Nikolayevna OVCHINNIKOVA 06/10/1975	Room no. 4, 3rd floor, measuring 18.30 sq. m	28 October 2002
13.	27555/08	24/04/2008	Aleksandr Vyacheslavovich KRIVKO 30/04/1953	Rooms nos. 20-22, 2nd floor, measuring 40.70 sq. m; Room no. 49, 2nd floor, measuring 10.20 sq. m; and Room no. 50, 2nd floor, measuring 6.80 sq. m	28 April and 23 August 2001

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14.	27568/08	24/04/2008	Andrey Leonidovich MEDVEDEV 30/04/1953	Room no. 49, 2nd floor, measuring 10.20 sq. m	28 April 2001
15.	28029/08	08/04/2008	Andrey Anatolyevich KONDOLSKIY 20/11/1960	Room no. 50, 2nd floor, measuring 6.80 sq. m	19 July 2001
16.	28031/08	10/04/2008	Pavel Ivanovich SISIGIN 04/11/1977	Room no. 34, 5th floor, measuring 13.10 sq. m (12.50 sq. m according to the judgment of 14-19 November 2007)	28 November 2002
17.	28033/08	09/04/2008	Nikolay Ivanovich VOLOSHCHUK 05/12/1959	Room no. 5, 3rd floor, measuring 19.0 sq. m	27 November 2001
18.	30511/08	10/04/2008	Vyacheslav Viktorovich DITKIN 08/12/1959	Room no. 20, 5th floor, measuring 15.50 sq. m	26 March 2003
19.	30517/08	14/04/2008	Yelena Andreyevna MALAKHOVA 18/06/1990	Room no. 18, 4th floor, measuring 18.50 sq. m	23 August 2003
20.	30804/08	11/04/2008	Valentina Nikiforovna SKVORTSOVA 19/02/1941	Rooms nos. 15, 65, 3rd floor, measuring 18.00 sq. m	30 October 2002
21.	31038/08	17/04/2008	Irina Borisovna MAZUR 09/06/1958	Rooms nos. 11, 44, 1st floor, measuring 35.40 sq. m; Room no. 30, 1st floor, measuring 9.0 sq. m; and Rooms nos. 32, 34, 35, 42, 1st floor, measuring 92.10 sq. m	10 April 2003

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22.	33635/08	14/05/2008	Nadezhda Alekseyevna ANTIPOVA 05/02/1956	Room no. 27, 2nd floor, measuring 17.80 sq. m; and rooms nos. 26, 53, 2nd floor, measuring 21.30 sq. m	10 May 2004
23.	45120/08	21/06/2008	Svetlana Ipolitovna ANISIMOVA 06/12/1960	Room no. 8, 4 th floor, measuring 18.40 sq. m	24 April 2007
24.	45121/08	24/06/2008	Rasima Minnullinovna TAKTAMYSHEVA 08/12/1942	Room no. 14, 3 rd floor, measuring 17.40 sq. m	6 November 2006
25.	45122/08	11/04/2008	Khasan Yakubovich GALEYEV 19/05/1957	Room no. 9, 1 st floor, measuring 18.60 sq. m	25 June 2007
26.	45124/08	08/05/2008	Natalya Vladimirovna STROKINA 04/06/1964	Room no. 20, 3 rd floor, measuring 16.40 sq. m	20 March 2003
27.	45125/08	15/04/2008	Oksana Aslanovna NIKIFOROVA 02/07/1976	Room no. 10, 2 nd floor, 18.40 sq. m	6 September 2001
28.	45126/08	14/04/2008	Nadezhda Prokofyevna MUSATOVA 23/08/1939	Room no. 16, 2 nd floor, measuring 13.10 sq. m; and room no. 28, 2 nd floor, measuring 12.90 sq. m	14 May 2002
29.	45131/08	18/04/2008	Yelena Vasilyevna SHITOVA 23/11/1955	Room no. 15, 5 th floor, measuring 23.60 sq. m	19 November 2002

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30.	45133/08	15/04/2008	Irina Petrovna SIROTA (FEDOROVA) 29/07/1980	Room no. 14, 2 nd floor, measuring 18.00 sq. m	12 December 2005
31.	45136/08	20/05/2008	Lidiya Pavlovna VASYUKHINA 04/07/1943	Rooms nos. 7, 55, 56, 3 rd floor, measuring 18.40 sq. m	30 October 2001
32.	45138/08	15/04/2008	Galina Vasilyevna YEVARESTOVA 14/01/1946	Room no. 5, 2 nd floor, measuring 18.40 sq. m	28 November 2005
33.	45140/08	22/05/2008	Sergey Sergeevich ANISIMOV 27/07/1978	Room no. 34, 4 th floor, measuring 12.80 sq. m; and room no. 35, 4 th floor, measuring 9.70 sq. m	6 December 2002
34.	45141/08	28/04/2008	Vera Nikolayevna RUSSKOVA 22/01/1964	Rooms nos. 47, 48, 1 st floor, measuring 37.10 sq. m	7 October 2003
35.	45162/08	14/04/2008	Natalya Nikolayevna KARTASHOVA 16/07/1964	Room no. 24, 4 th floor, measuring 13.80 sq. m	5 November 2002
36.	45167/08	19/05/2008	Gennadiy Sergeevich BOLSHAKOV 26/07/1953	Room no. 30, 2 nd floor, measuring 13.10 sq. m; and room no. 31, 2 nd floor, measuring 13.10 sq. m	25 July 2001
37.	45170/08	08/05/2008	Vladimir Aleksandrovich VORONTSOV 06/03/1938	Rooms nos. 1, 2, 3, 38, 3 rd floor, measuring 22.80 sq. m	2 July 2007

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38.	45173/08	28/04/2008	Vitaliy Aleksandrovich VASYUKHIN 11/05/1995 Darya Aleksandrovna VASYUKHINA 18/08/2006 Samara	First applicant: room no. 29, 1 st floor, measuring 12.80 sq. m, Second applicant: room no. 28, 3 rd floor, measuring 12.90 sq. m	First applicant: 1 October 2007 Second applicant: 2 October 2007
39.	45177/08	15/05/2008	Lyubov Nikolayevna AFANASYEVA 25/02/1958	Rooms nos. 8, 32, 39, 62, 63, 2 nd floor, measuring 36.70 sq. m	27 September 2006
40.	45180/08	05/05/2008	Grigoriy Ivanovich SEMENENKO 02/01/1937	Rooms nos. 8, 57, 58, 3 rd floor, measuring 18.0 sq. m	2 July 2001
41.	45182/08	05/05/2008	Klavdiya Vasilyevna KOVALEVA 08/06/1930 and Irina Vladimirovna KOVALEVA 20/06/1991	Rooms nos. 32, 33, 72, 73, 3 rd floor, measuring 23.40 sq. m	2 August 2006