



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

Communicated on 7 March 2014

FIRST SECTION

Application no. 59391/12
Anna Stanislavovna POPOVA
against Russia
lodged on 12 August 2012

STATEMENT OF FACTS

The applicant, Ms Anna Stanislavovna Popova, is a Russian national, who was born in 1964 and lives in Chelyabinsk.

A. The circumstances of the case

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

(a) Privatisation of and subsequent transactions in respect of the flat later purchased by the applicant

Prior to its privatisation, the flat at 125-56 Ulitsa Kommuny, Chelyabinsk, had been owned by a local factory. On 17 December 1992 the building was transferred to the local municipality. P. had resided there as a tenant under the social housing agreement with the city from 1971 until his death on 3 December 2010.

According to the documents registered by the State, on 9 November 1992, that is when the flat was still owned by the factory and prior to its transfer to the municipality, the factory signed a contract with Kh. whereby the flat was transferred to the latter. On 3 December 1992 the transaction was registered by the local real estate registration body.

On 25 January 2011 Kh. sold the flat to L. On 21 April 2011 L. sold the flat to Ya. On 22 June 2011 Ya. sold the flat to the applicant. All the said transactions were registered by the local real estate registration body.

(b) Annulment of the applicant's title to the flat and eviction proceedings

On an unspecified date the prosecutor lodged civil claims on behalf of the Town of Chelyabinsk, seeking, *inter alia*, invalidation of all of the above-mentioned property transactions and the applicant's eviction.

On 23 December 2011 the Tsentralniy District Court of Chelyabinsk granted the prosecutor's claims. The court conceded that the applicant was a *bona fide* purchaser of the flat. However, it ruled that the case fell under one of the two exceptions to the protection of a *bona fide* purchaser's title, which required that precedence be given to the previous owner. The applicant's title to the flat was annulled and the title was transferred to the Town of Chelyabinsk. The court also ordered the applicant's eviction. Lastly, it ruled that Ya. should return the amount paid by the applicant for the flat to her. The applicant appealed.

On 5 March 2012 the Chelyabinsk Regional Court upheld the judgment of 23 December 2011 on appeal.

It appears that the eviction proceedings against the applicant are pending.

B. Relevant domestic law and practice

For relevant domestic law and practice, see the case of *Gladysheva v. Russia* (no. 7097/10, §§ 35-37, 6 December 2011).

COMPLAINTS

Relying on Article 8 of the Convention and Article 1 of Protocol No. 1, the applicant complains about the loss of title to her real property and eviction.

QUESTIONS TO THE PARTIES

1. Has the applicant been deprived of her possession 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?

If so, was that deprivation necessary to control the use of property in the general interest? In particular, did that deprivation impose an excessive individual burden on the applicant?

2. Has there been an interference with the applicant's right to respect for her home, within the meaning of Article 8 § 1 of the Convention?

If so, was that interference in accordance with the law and necessary in terms of Article 8 § 2?

3. Has the judgment of 23 December 2011 as upheld on appeal on 5 March 2012 been enforced in full? In particular, has the applicant been evicted and has she received the amount paid for the flat?