



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

Communicated on 12 March 2014

FIRST SECTION

Application no. 20578/08
Valentina Stepanovna TOMINA against Russia
and 2 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

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.	20578/08	06/04/2008	Valentina Stepanovna TOMINA 05/11/1949 Samara	Rooms nos. 22, 23, 60 and 61, 5 th floor, measuring 22.6 sq. m	3 November 2006
2.	21148/08	10/04/2008	Lyudmila Nikolayevna NAGOVSKAYA 01/05/1944 Albert Gumerovich NAGOVSKIY 06/05/1972 Samara	Room no. 21, 5 th floor, measuring 18.50 sq. m; Room no. 5, 4 th floor, measuring 12.50 sq. m Room no. 7, 4 th floor, measuring 18.80 sq. m	1 October 2002 21 November 2002
3.	21524/08	14/04/2008	Svetlana Gennadyevna ROMANOVA 01/01/1980 Samara	Rooms nos. 25, 43, 44, 4 th floor, measuring 12.10 sq. m	22 August 2006