



SOME ISSUES OF COMPENSATION FOR DAMAGE CAUSED TO LANDOWNERS BY THE SEIZURE OF LAND PLOTS FOR STATE AND PUBLIC NEEDS

Mamatov Muhammadi

Master student of the School of Judges

Annotation

In the article - the formation of the concept of land dispute, the definition of its content and specific features; land associated with the system of descriptive characteristics of synthesis, analysis; - land disputes related to disclosing the content of the teeth, associated with the order of the court to settle disputes based on your preferences; - in connection with the consideration of disputes to learn the specifics of the powers of the courts; issues are disclosed

Keywords : land, state, public, needs, the Land Code of the Republic of Uzbekistan, of the damage, decided to stay, possession, use, civil, Private Property , Region seized , physical , legal , personal , health ompensatsiya dispute , administrative , official .

The Constitution of the Republic of Uzbekistan, the Land Code of the Republic of Uzbekistan, the Civil Code of the Republic of Uzbekistan, the Code of Civil Procedure of the Republic of Uzbekistan, the Housing Code of the Republic of Uzbekistan, "On protection of private property and guarantees of property rights" This is regulated by the Law of the Republic of Uzbekistan, as well as the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated November 16, 2019 No 911 and the Regulation "On the withdrawal of land and compensation of owners of real estate located on the seized land."

In the consideration of this category of cases in the courts, a number of decisions of the Plenum of the Supreme Court of the Republic of Uzbekistan also provided explanations to the courts. In particular, the decision of the Plenum of the Supreme Court of the Republic of Uzbekistan No. 3 of May 2, 1997 "On case law on ownership, use and disposal of privatized housing", the Plenum of the Supreme Court of the Republic of Uzbekistan "Judicial practice on housing disputes" These include Resolution No. 22 of 14 September 2001 of the Plenum of the Supreme Court of the Republic of Uzbekistan No. 3 of 3 February 2006 "On Certain Issues in Judicial Practice in the Application of the Land Code".





According to statistics, in 2019, a total of 400 (418 in 2018) civil cases on compensation of citizens in connection with the seizure of land plots by the civil courts for state and public needs were considered, compared to 0.1 (0, 1) percent.

Out of a total of 400 (418 in 2018) civil cases considered by the courts in 2019, 276 (392) claims were satisfied, 25 (8) were rejected, 22 (9) civil proceedings were terminated and 77 (9) were dismissed. applications are left unseen.

Cases of this category were mainly heard in the courts of Tashkent region (80 cases), Jizzakh region (63 cases), Tashkent city (65 cases).

In 2020, the number of such cases considered by the courts amounted to 533. Of these, 376 lawsuits were satisfied, 41,976,210,905 soums were ordered to be compensated, 38 were rejected, 10 civil cases were terminated, and 110 applications were left without consideration. Cases of this category are mainly considered in the courts of Jizzakh region (157), Surkhandarya region (128), Tashkent region (91), Tashkent city (37).

The signing of the Law of the Republic of Uzbekistan "On amendments and additions to some legislative acts of the Republic of Uzbekistan in connection with the further strengthening of guarantees of the rights and legitimate interests of owners" on December 20, 2020 became an important event in the socio-political life of our country. In connection with the further strengthening of guarantees of the rights and legitimate interests of owners, relevant amendments and additions were made to 1 Code and 2 laws. In particular, the fourth part of Article 36 of the Land Code of the Republic of Uzbekistan is worded as follows: termination of the right to own a land plot or permanent or temporary use of a land plot in the cases specified in paragraphs 1, 2, 3 and 5 of Part 1 of this Article on the basis of documents confirming the validity of the termination of rights on the basis of the documents of the khokims of districts, cities, regions or by the decision of the Cabinet of Ministers of the Republic of Uzbekistan. Termination of the right to own a land plot or the right of permanent or temporary use of a land plot in the cases specified in paragraphs 6-11 of the first part of this Article shall be carried out by a court in accordance with Article 38 of this Code. Termination of the right to own a land plot or the right of permanent or temporary use of a land plot in accordance with paragraph 12 of part one of this article shall be carried out by decisions of district khokims on the basis of documents confirming the termination of rights on the proposal of the relevant district councils of farmers, dehqan farms. . If legal entities and individuals are dissatisfied with the decisions of the Cabinet of Ministers of the Republic of Uzbekistan and these officials on the termination of





the right to own land, permanent or temporary use of land, they may appeal to the court";

According to the amendments to Article 37 of the Land Code, the land plot or part of it can be withdrawn for state and public needs with the consent of the landowner or in agreement with the land user and lessee by the decision of regional and Tashkent city councils or the Cabinet of Ministers. possible.

This article clearly defines the purpose of withdrawal of land plots for state and public needs, including:

-defense and national security, the needs of protected natural areas, the establishment of free economic zones and the allocation of land for their operation; Fulfillment of obligations arising from international agreements of the Republic of Uzbekistan;

-identification and mining of mineral deposits;

-roads and railways, airports, airfields, air navigation facilities and centers of aviation, railway transport system of underground structures, bridges, tunnels, power facilities, and electric transmission lines, communication Erase networks, space structures, construction of trunk pipelines, engineering and communication networks (reconstruction);

General plans of settlements, the construction of facilities at the expense of the state budget of the Republic of Uzbekistan on the part of the play, as well as the laws and decisions of the President of the Republic of Uzbekistan provided directly to the main emphasis of cases among them.

Decisions on withdrawal of land plots for state and public needs can be made only by open discussions with real estate owners located on the land plots to be confiscated, assessment of benefits and costs, as well as in connection with the withdrawal of land plots for state and public needs. is allowed after mandatory agreement with the centralized fund for compensation of damages .

Demolition of real estate belonging to individuals and legal entities in the seizure of land due to the fact that residential and non-residential buildings, industrial buildings and structures, as well as other buildings and structures are practically completely vacated, the market value of real estate located on the seized land, relocation , q costs associated with the relocation of legal entities to a new location or place of residence, including temporarily acquired real estate , as well as losses of individuals and legal entities, including lost profits and other costs provided by law.





(Public officials) with the seizure of land related to q illegal administrative document the role of individuals and legal entities as a result of losses covered by the procedure prescribed by the state.

The owner of the land, land, land users and tenant additional 'm saying that the relevant decision of the regional, district and city councils of people's deputies or is not satisfied with the decision of the Cabinet of Ministers of the Republic of Uzbekistan, the procedure established by this decision on appeal.

Enterprises, institutions and organizations interested in the withdrawal of land for the construction of enterprises, buildings and structures , landowners, land users and tenants, as well as the region, depending on the location of the facility, the approximate size of the plot and its allocation, taking into account the complex development of the area before design or district (city) khokim or the Cabinet of Ministers of the Republic of Uzbekistan . In this way, it is not allowed to finance the project yes until it is agreed in advance .

Withdrawal of the land plot for the state and public needs, as well as prior agreement of the place of construction of the object, as well as registration of land allocation shall be carried out in the manner prescribed by law.

Legal and physical persons, including foreign legal and physical entities owned land plot sales and service facilities or accommodation, as well as with the visible part of the building or the building of the state and public needs to buy in Article 41 of this Code with the provision of guarantees in accordance with the decision of the regional and Tashkent city Kengashes of People's Deputies or the decision of the Cabinet of Ministers of the Republic of Uzbekistan ";

The text of [Article](#) 38 of the Code now according to the Land Code 3 6 of the first part of Article 6 of the cases provided for in paragraphs 11, as well as violation of the law on the prime emphasis cases, land use and protection of the body carrying out state control over the land owners or land users after prior notification, submits a petition for withdrawal of the land plot to the body that issued the land plot. The body of a land plot on the basis of submissions a month it can bring additional meatpacking into a lawsuit. The body that provided the land plot shall have the right, if necessary, to appoint an additional inspection of the condition of the land plot and the quality of measures taken by the landowner or land user for the rational use and protection of land .

Losses that the allocation of land plots, enterprises, institutions and organizations, as well as the activities of land owners, land users, land lessees and owners of Khuk he Koshar restriction or worsening of the quality of the surrounding lands, enterprises, institutions and organizations, regional and by the city or county (city)





administration of the state and society in connection with the seizure of land for the needs of individuals and legal entities to cover the losses of centralized funds, as well as prohibited by law, the chief emphasis sources with the procedure established by law.

The Republic of Uzbekistan and the protection of private property owners Khuk progress on the guarantees of Article 19 of the Law of the monuments included in the change that is now at the Vltava authority's decision directly to the owner's property, including houses belonging to the owner of the other buildings, structures or trees -daraxtlar seizure of land property rights in connection with the cancellation of the decision only in cases specified in the laws and order in the country, where the seized property to the owner of property ownership Khuk he SAs based and other compensation for losses or property the damage caused by the termination of the right will be reimbursed in full.

State authorities' decision directly to the owner's property, including land, in connection with the decision to put the property Khuk he drew it be canceled with the consent of the owner in accordance with the established procedure.

The decision of the Council of Ministers of the Republic of Karakalpakstan, khokims of regions and the city of Tashkent or district (city) on the demolition of real estate located on the seized land plot is made only in the presence of a positive opinion of the judiciary. The initiator of the seizure of land and that the land is located between the owner of the object of real estate, land seizure in connection with the physical and legal entities for damages, including lost profits and stipulated by the law, the chief emphasis on the costs agreement must necessarily be notarized must be approved.

Real estate led to the decision to object to the demolition of the agreement that the land owners of the real estate is the subject of a dispute, the decision of the court in the presence of physical and legal entities for damages, including lost profits and stipulated by the law, the main emphasis is allowed after paying expenses .

Seizure of land and the house, the emphasis disassemble the buildings, structures or plantations decision to remove settlements schemes, as well as residential quarters and a small detail in accordance with the planning and construction of projects.

Demolition of a house, other buildings, structures or uprooting of trees on the acquired land plot shall not be allowed until the place of damage is covered in advance and t at market value .

At least six months prior to the commencement of the decision to demolish the owner of the house, other buildings, structures or trees, the state bodies shall sign





a written copy of the decision of the J Council of the Republic of Karakalpakstan , regional and Tashkent city Kengashes of People's Deputies. put) must be notified. Seized land house, visible buildings, structures or plantations carried out in a manner determined by the evaluation. The property Khuk com cancellation is made that the value of the property that the property directly about the withdrawal from Immediately before or at the time the moment of impact on the value of the property valuation is determined by the organization.

Land in connection with the demolition of the owner of the property to compensate the owners of the house, destroyed housing, demolition of houses instead of individual housing construction for the citizen of the land, the land and the main emphasis of property in connection The procedure and conditions of compensation for damage caused to the owner are determined by the legislation.

Khuk private property owner that leads to the cancellation of the sheath does not agree with the decision, this decision by the court if the dispute can not be carried out until the solution. Issues of compensation for damage to the owner will also be resolved during the dispute "

It should be noted that in accordance with Article 27 of the Housing Code of the Republic of Uzbekistan, in case of demolition of houses (apartments) owned by citizens in connection with the seizure of land plots for state or public needs, the owners may, at their choice and by agreement of the parties other dwelling on a stage not less than the social norm, with all amenities, of equal value, and the market value of the demolished house (apartment), the market value of other buildings, structures and trees, as well as the market of the right to land the value is paid in full. If the market value of the right to the demolished house (apartment) or land plot exceeds the market value of the right to the transferred house or land plot, this difference must be compensated to the owner, the market value of the transferred house or land plot to the demolished house (apartment) or if the right to the land plot exceeds the market value, it is stipulated that the difference must be compensated by the owner within five years from the date of the transfer of the house or the right to the land plot.

The Cabinet of Ministers of the Republic of Uzbekistan shall provide housing in lieu of demolished houses and pay for the value of houses, other buildings, structures and trees.

Resolution of the Cabinet of Ministers of the Republic of Uzbekistan "On additional measures to ensure guarantees of property rights of individuals and legal entities and to improve the procedure for withdrawal and compensation of land" dated November 16, 2019 No 911 "On withdrawal of land and withdrawal of land The





procedure for granting compensation to owners of real estate "N izâm approved. This Regulation provides a completely new procedure for ensuring guarantees of property rights of individuals and legal entities, as well as the procedure for withdrawal and compensation of land plots, individuals (individual entrepreneurs, citizens of the Republic of Uzbekistan, foreign citizens and stateless persons) and legal entities (business entities, non-governmental organizations, organizations) to withdraw the land plot or part of it with the right of ownership, permanent use or temporary use for state and public needs, as well as in the implementation of investment projects and determine the procedure for compensation to owners of real estate located on this land plot.

The provision does not apply to land plots owned by individuals and legal entities on the basis of property rights.

Withdrawal of a land plot or a part of it (hereinafter referred to as a land plot) for state and public needs, as well as for the implementation of investment projects is carried out by the decision of the Jogorku Kenesh of the Republic of Karakalpakstan or the relevant Councils of People's Deputies.

The decision to withdraw the land plot for the implementation of investment projects is allowed only in accordance with the decisions of the President of the Republic of Uzbekistan and the Cabinet of Ministers.

The decision to demolish the property was made by the Chairman of the Council of Ministers of the Republic of Karakalpakstan, khokims of Tashkent city, regions or districts (cities) on the basis of the decision of the Jogorku Kenesh of the Republic of Karakalpakstan or the relevant Councils of People's Deputies to seize the land. is accepted after compensation is paid, except in cases of transfer of the constructed real estate as compensation.

The draft decision on the demolition of real property must be considered by the judicial authorities and an appropriate conclusion must be made.

Land plot for state and public needs throughout the presentation materials of the Cabinet of Ministers [No. 2018 of December 26, 1047 the decision](#) of the state and society was organized in connection with the seizure of land for the needs of individuals and legal entities to cover the losses of the Central Supervisory Board of the Fund (hereinafter in places called the Supervisory Board).

The Supervisory Board shall notify the Council of Ministers of the Republic of Karakalpakstan, Tashkent city, regional or district (city) khokimiyats in writing of the decision within three working days.

After obtaining the written consent of the Supervisory Board, the Council of Ministers of the Republic of Karakalpakstan, Tashkent city, regions or district (city)





khokimiyats within two working days send the presentation materials to the Jogorku Kenesh of the Republic of Karakalpakstan or the relevant Council of People's Deputies for consideration of profit and expenses. .

It is prohibited to submit presentation materials to the Jogorku Kenesh of the Republic of Karakalpakstan or the relevant Council of People's Deputies without the written consent of the Supervisory Board.

It is prohibited to impose on landowners the obligation to improve public roads, streets of cities and other settlements, engineering and communication networks. Withdrawal of the land plot is not allowed if the investment projects aimed at the development of the area and the improvement of the architectural appearance are implemented directly by the owner.

The decision on the implementation of investment projects aimed at developing the territory and improving the architectural image is made by the Jogorku Kenesh of the Republic of Karakalpakstan or the relevant Council of People's Deputies.

Investment projects aimed at developing the area and improving the architectural appearance are carried out at the expense of the owners' own funds, loans and other funds not prohibited by law.

Investment projects aimed at developing the territory and improving the architectural appearance of the owners are implemented in the project documentation of the construction (reconstruction) object, but not more than two years from the date of signing the Agreement.

In case of refusal of the owners to implement investment projects aimed at developing the area and improving the architectural appearance, the initiator draws up a Memorandum of Understanding and signs it together with the owner. In case of refusal to sign the protocol of disagreement, an act shall be drawn up stating the reasons for refusal.

After signing the protocol of disagreements (acts), the Council of Ministers of the Republic of Karakalpakstan, khokimiyats of Tashkent city, regions or districts (cities) have the right to apply to the court to impose an obligation.

Meetings of the Jogorku Kenesh of the Republic of Karakalpakstan or the relevant Council of People's Deputies shall be convened and held in accordance with the legislation.

The following issues must be considered at a meeting of the Jogorku Kenesh of the Republic of Karakalpakstan or the relevant Council of People's Deputies:

investment projects aimed at improving the housing and living conditions of citizens in a particular area, as well as the development of infrastructure and



construction of facilities of socio-economic importance, taking into account the views of the majority of the population;

the identification of land plots that are primarily occupied by obsolete and dilapidated housing stock facilities, including unused objects (except for objects belonging to the category of cultural heritage) , if not identified - the selection of other land plots.

Public discussion is allowed only after the decision of the Jogorku Kenesh of the Republic of Karakalpakstan or the relevant Councils of People's Deputies to hold an open discussion.

The decision of the Jogorku Kenesh of the Republic of Karakalpakstan or the relevant Council of People's Deputies on the withdrawal of the land plot must specify the following:

Geographical coordinates of the withdrawn land plot;

Grounds and purposes of withdrawal of the land plot;

Information on the owners and objects of real estate to be demolished;

Information on the objects to be built on the seized land plot ;

Compensation to the owners in connection with the seizure of the land plot, including other issues related to the seizure of the land plot .

The decision of the Jogorku Kenesh of the Republic of Karakalpakstan or the relevant Council of People's Deputies to seize the land must be published on the official website of the Council of Ministers of the Republic of Karakalpakstan, regional and Tashkent city or district (city) khokimiyats, as well as in the media.

The Republic of Karakalpakstan J o'qorg'i the seizure of land to the Council of the Majlis, or parliament's decision can be appealed to a court order.

The Republic of Karakalpakstan J o'qorg'i Majlis or the appropriate regional development and architecture of the Council of People's Deputies on the implementation of investment projects aimed at improving the appearance of the decision can be appealed in court.

The following will be compensated:

a) The market value of real estate located on the seized land plot;

b) Land parcel Khuk qning market value;

c) Expenses related to relocation, including temporary acquisition of another real estate object ;

d) Lost profits of individuals and legal entities;

d) Stipulated by the law or agreement depth charges and expenses.

Self-built housing, manufacturing and more emphasis should be compensated according to the value of the buildings and structures.



Types of compensation:

- a) Cash;
- b) Transfer of another real estate object as property;
- c) A plot of land;
- g) The agreement stipulated compensation for the chief emphasis types.

By agreement of the parties, the owner may be granted several types of compensation, taking into account the appraised value of real property.

The term of transfer of a newly constructed real estate object in place of the demolished real estate shall not exceed 24 months from the date of commissioning of another real estate object and its use. If a new real estate object is not provided within the specified period, the initiator pays a penalty to the owner in the amount of 0.01 percent for each day of delay. In this case, the amount of the fine should not exceed 50% of the value of the demolished real estate.

Provision of property as compensation in cases stipulated by the legislation of the agreement provided by the state of IP to be transferred.

Disconnection from engineering and communication networks is allowed in accordance with the technical conditions developed in the prescribed manner after the decision of the Chairman of the Council of Ministers of the Republic of Karakalpakstan, khokims of regions and Tashkent district (city) on the demolition of real estate.

Demolition of real estate is carried out by the initiator at his own expense, directly or by hiring a contractor. The owner may, in agreement with the initiator, demolish the real estate object at his own expense and take away the building materials.

The Republic of Karakalpakstan J o'qorg'i Majlis or the seizure of land by the People's Deputies are withdrawn or rejected, and the Chairman of the Council of Ministers of the Republic of Karakalpakstan, regions and Tashkent district (municipal) authorities to remove the destroyed real estate decisions can be appealed in court.

In case of failure to reach an agreement on the dispute between the owner and the initiator - this dispute is considered in court.

In the event of a dispute, the decision to seize the land plot and the decision to demolish the real estate located on the seized land plot before the court decision on this dispute enters into force shall not be allowed. Withdrawal of land plots and demolition of real estate objects in non-compliance with the requirements of the Regulation is not allowed.





The prosecutor's office shall monitor the implementation of legal requirements for the seizure of land plots, demolition of real estate, relocation of citizens, as well as the payment of compensation.

Damage caused to individuals and legal entities as a result of the adoption of an illegal administrative act of a state body (official) shall be reimbursed by the state, first of all at the expense of extra-budgetary funds of the relevant bodies, and then recovered from the guilty person.

This category of cases is generally considered correct in the courts, except for some errors and omissions under applicable law. As for some of them, for example, the Law of the Republic of Uzbekistan "On State Duty" of January 6, 2020 provides for the payment of state duties on property claims to civil courts - 4% of the value of the claim, but not less than the basic calculation .

However, some courts have allowed different practices in the collection of state duties in disputes over compensation for citizens in connection with the seizure of land plots for state and public needs .

In particular, the decision of the Gulistan Interdistrict Civil Court of July 12, 2019 satisfied the claim of the Syrdarya Regional Department of Justice against the Gulistan city administration for 17,930,531 soums in favor of the citizen F. and collected 202,730 soums in state duties. . However, according to the "State duty rates", a state duty of 4% of the value of the claim was to be levied.

According to the decision of the Gulistan Interdistrict Civil Court of October 23, 2019, the claim of the plaintiff Syrdarya Regional Department of Justice to recover 169,460,240 soums in compensation to the responsible Gulistan city administration in the interests of citizen G. was satisfied. The Gulistan city administration has set a state duty of 223,000 soums in favor of the state.

The claim of the Department of Justice of Koshkopir district to recover compensation from the responsible Koshkopir district khokimiyat in the interests of the citizen M. was satisfied by the decision of the Shovot Interdistrict Court on February 27, 2020 and set a fee of 35,643,000 soums. In the reasoning part of this decision, the court did not collect the state duty because the Koshkopir district khokimiyat is a local state authority and is exempt from paying the state duty.

According to the first part of Article 207 of the Code of Civil Procedure of the Republic of Uzbekistan , cases are considered and resolved by the court no later than one month from the date of preparation for trial. This period may be extended up to two months, depending on the reasoned ruling of the judge on the most complex cases.





However, some regional courts do not take measures to consider this category of cases in a timely manner, which does not pay enough attention to the stage of preparation of the case.

According to the decision of September 10, 2019, the report of the appraisal center "R" LLC dated March 2, 2018 on the assessment of the house 72, Galiblar Street, Madaniyat mahalla, Gulistan for 496,828,657.70 soums, which satisfied the claim of the plaintiff X., is invalid. The dispute over finding was seen for 8 months.

Based on this, it can be said that the courts have some shortcomings in the process of collecting state duties, deadlines, preparation of cases for trial. However, in most cases, it can be said that the courts are reaching a decision that is legal and justified.

Due to the untimely payment of compensation to citizens in this category of cases, in addition to the payment of compensation to the court, according to Article 327 of the Civil Code of the Republic of Uzbekistan, there is a claim to recover bank interest accrued to him. On April 22, 2019, he filed a lawsuit to recover 106,617,460 soums of material damage (compensation) and 56,000,000 soums of bank interest from the defendant Fergana city khokimiyat, to build a shop in Fergana city khokimiyat. , Asked to impose an obligation to allocate 36 sq.m. of land from Dehkan Street.

According to the decision of the Fergana Interdistrict Civil Court of June 19, 2019, the claim was satisfied and the Fergana city administration awarded 106,617,460 soums of material damage in favor of the plaintiff M., 51,176,380 soums (16% - 3 years) bank interest, a total of 157,793. It is planned to collect 840 soums.

D Parties associated with the land acquisition for the needs of society and the guaranteed protection of the rights of the owner in accordance with the law, the decision of the court in previous years, the damage has been collected from interested persons paying out sums of delays. Today, billions of dollars are not paid, and as a result, this situation has a negative impact on the payment system. In my opinion, there is a need for effective use of measures of prosecutorial control in this regard.

In addition to the above, I would like to make some comments aimed at improving some of the existing laws and the development of a mechanism for the timely payment of compensation.

First, Article 36 of the Land Code of the Republic of Uzbekistan provides the grounds for revocation of land rights. Paragraph 12 of part 1 of this article stipulates that in case of termination of membership of farmers, dehkan farms and landowners in the Council of Farmers, Dehkan Farms and Landowners of



Uzbekistan, the rights of farmers, dehqan farms and landowners to the land plot shall be terminated. Of course, the seizure of land plots on this basis does not seem to contradict our current laws. Because Article 25 of the Law of the Republic of Uzbekistan "On Farms" provides for "mandatory membership of farms in the Council of Farmers, Dehqan Farms and Landowners of Uzbekistan." The fact is that, in fact, the Farmers' Council is a non-governmental non-profit organization, so it is not compulsory to join such an organization by law. In addition, the right of voluntary membership in non-governmental non-profit organizations, associations, public associations, provided by the Constitution of Uzbekistan, can not be made mandatory. Unfortunately, the law has turned this Council, which is a public organization, into an organization that acts as a state body. The conclusion is that not being a member of a public organization rather than a state or public need leads to the confiscation of a plot of land from a business entity.

Secondly , Article 36, Part 1, Clause 12 of the Land Code stipulates that in case of termination of membership in the Council of Farmers, Dehqan Farms and Landowners of Uzbekistan, the right to land shall be revoked in accordance with the decision of the Presidium of District Councils. Decisions of district khokims on the basis of documents confirming the grounds for termination of the right to possess the land plot in part 2 or the right of permanent or temporary use of the land plot as specified in paragraph 12 of part 1 of this article at the proposal of the relevant district farmers, dehqan farms and landowners intended to be done with. One thing is unclear, is that the right to land under Article 36, Part 1, Clause 12 is terminated in **accordance** with the **decision** of the **Presidium of the District Council** or is it terminated **by the decision** of the **District Governor in accordance** with Article 36, Part 2 ? The law should make this clear .

Thirdly, measures should be taken to ensure the implementation of court decisions on the recovery of damages and compensation for damage caused to them as a result of the seizure of land plots for the needs of the state and society .

Fourth, the second part of **Article 86 of the Land Code of the Republic of Uzbekistan** provides for “ restriction of the rights of land owners, land users, tenants and owners of land plots or deterioration of the quality of nearby lands by enterprises, institutions and organizations. Centralized fund for compensation of damage caused to individuals and legal entities in connection with the seizure of land plots for the needs of the state and society, respectively, by enterprises,





institutions and organizations, regions and Tashkent city or district (city) khokimiyats, as well as other sources not prohibited by law. will be carried out in the prescribed manner. The word "legislation" in the sentence should be replaced by the word "law". Otherwise, the order of compensation for the damage will depend on the person who caused the damage.

List of used Literature:

1. The Constitution of the Republic of Uzbekistan.
2. Civil Code of the Republic of Uzbekistan.
3. Code of Civil Procedure of the Republic of Uzbekistan.
4. Law of the Republic of Uzbekistan "On protection of private property and guarantees of the rights of owners".
5. Land Code of the Republic of Uzbekistan.
6. Housing Code of the Republic of Uzbekistan.
7. Regulations on the procedure for withdrawal of land plots and compensation of owners of real estate located on the withdrawn land plot (Appendix 1 to the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated 16.11.2019 No. 911).
8. Law of the Republic of Uzbekistan "On privatization of the state housing stock".
9. Plenum Resolution of the Supreme Court of the Republic of Uzbekistan "On court practice in cases related to the ownership, use and disposal of privatized housing."
10. Plenum Resolution of the Supreme Court of the Republic of Uzbekistan "On Judicial Practice in Housing Disputes".
11. Plenum Resolution of the Supreme Court of the Republic of Uzbekistan "On some issues arising in judicial practice in the implementation of the Land Code."
12. Law of the Republic of Uzbekistan "On privatization of non-agricultural land".
13. Regulations on the procedure for formation and use of funds of the centralized funds on compensation of the damage caused to physical persons and legal entities in connection with withdrawal of the parcels of land for the needs of the state and society (appendix to the resolution of the Cabinet of Ministers of the Republic of Uzbekistan from December 26, 2018 No. 1047)
14. Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated 28.01.2019 Resolution No. 63 "On additional measures for the introduction of modern and transparent mechanisms for the implementation of inherited lifelong ownership of land for the allocation of land and individual housing"





15. Regulation of the Cabinet of Ministers of January 28, 2019 "On the procedure for allocating land plots for individual housing construction and the implementation of inherited lifelong ownership rights to land plots."
16. Regulations on the procedure for allocation of land plots for state and public needs (Appendix 2 to the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated 28.01.2019 No. 63)

