

## Turkish Constitutional Court Awards Compensation to Land Owners for Expropriated Land After Legal Basis Cancelled

*4 Jul 2017*

Turkey's Constitutional Court recently ruled that land owners' property rights had been violated by expropriation of land for a dam and hydroelectric power plant project. The legal basis for the expropriation was subsequently cancelled, but the property had been registered as a state asset regardless, rather than being returned to the prior owners.

The Council of Ministers made an urgent expropriation decision, enabling the Electricity Market Regulatory Authority ("**Authority**") to expropriate land for the Pembelik Dam and Hydroelectric Power Plant project. However, the Council of State later suspended execution of the expropriation decision. Regardless, the Authority took steps to register the expropriated land as belonging to the Secretariat of Treasury.

The property owners who lost their land for the project applied to the Constitutional Court, claiming violations of their constitutional property rights.

The Constitutional Court ruled that as the basis for the expropriation had been cancelled, interference with property rights did not meet the legal requirements, and therefore violated property rights. It awarded compensation accordingly.

During the case, the Ministry of Justice presented its opinion that natural habitat losses are outweighed by the project promising to provide:

- Large volumes of energy, as well as irrigation projects.
- An economic investment and positive contribution to the region's social and economic life.
- The Constitutional Courts decision (Application No. 2015/17451, dated 16 February 2017) was published in Official Gazette number 30057 on 5 May 2017. Please see this [link](#) for full text of the decision (only available in Turkish)

The Constitutional Courts decision (Application No. 2015/17451, dated 16 February 2017) was published in Official Gazette number 30057 on 5 May 2017. Please see this [link](#) for full text of the decision (only available in Turkish).

### Related Practices

- [Real Estate and Construction](#)
- [Administrative Procedures and Actions](#)

### Related Attorneys

- [BURAK BAYDAR](#)