

Turkish Constitutional Court: Constitutional Right to Legal Remedies and Access to the Courts Means Expropriation Compensation Lawsuit Should be Heard

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Turkey's Constitutional Court recently considered a claim arising from a dismissed lawsuit, seeking compensation for expropriated land. The lower court had dismissed the compensation case without making any substantive examination of the claim. The lower court dismissed the case on the basis that the earlier expropriation proceedings had already been completed and at the time this occurred, legislation did not require the property owner to be notified. The Constitutional Court held that this ruling violated the claimant's rights to legal remedies and access to the courts (Article 36 of the Constitution).

The Constitutional Court emphasized that the right to access the courts means "to be able to bring a dispute or a request within the scope of a dispute before the court and to seek to reach an effective decision". The court held that this falls within the scope of Article 36, which addresses the constitutional right to legal remedies.

Please see this [link](#) for the full text of the Constitutional Court's decision (only available in Turkish).

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