

Turkish Constitutional Court: Late Registration of Vehicle Purchased Via Tender Violates Property Rights

7 Jan 2019

Turkey's Constitutional Court recently ruled that refusal to register a vehicle for one year on the basis of a precautionary measure, without compensating damages, violated an applicant's constitutional property rights.

The applicant is an international transportation driver, who purchased a vehicle at an auction organized by the Tax Office. The applicant subsequently attempted to register his vehicle with the Police Department. However, the Police Department rejected his registration on the basis that there had been an interim measure on the vehicle.

The applicant filed a cancellation lawsuit against this administrative act, before the Administrative Court. The lawsuit was ultimately successful and the vehicle was successfully registered.

The applicant subsequently filed a second lawsuit before the Administrative Court, seeking compensation for the damages he suffered due to the vehicle's late registration.

The Administrative Court rejected the compensation claim and the Council of State upheld this decision. The applicant applied to the Council of State, but this court rejected the applicant's rectification request.

The applicant then applied to the Constitutional Court, claiming the administration had unlawfully violated his property rights by preventing him from using the vehicle for a year.

The Constitutional Court held that the vehicle's late registration caused by the administration's acts, which the Administrative Court considered to be unlawful, constitutes an intervention into the applicant's constitutional property rights.

The Constitutional Court found that the intervention caused an excessive burden for the applicant. It ruled that the intervention was not proportional and the balance between public interest and protecting property rights had been impaired, contrary to Article 35 of the Constitution.

Please see this [link](#) for the full text of the Constitutional Court's decision dated 12 September 2018 and numbered 2015/6999 which was published in Official Gazette numbered 30576 on 25 October 2018 (only available in Turkish).

Related Practices

- [Public Procurement and Government Contracts](#)

Related Attorneys

- [BENAN ARSEVEN](#)
- [FULYA KURAR, LL.M.](#)