

Resolution

dated 09.10.2024 in case 807/1314/17

CASSATION ADMINISTRATIVE COURT OF THE SUPREME COURT

RESOLUTION

In the name of Ukraine

(introductory and operative parts)

09 October 2024

Kyiv

case No. 807/1314/17

administrative proceedings No. K/990/2081/23

The Supreme Court as part of the panel of judges of the Administrative Court of Cassation:

judge-rapporteur: T. Strelets,

judges: Tatsiy L.V., Stetsenko S.G,

with participation:

The court session was recorded by N.I. Prykhodko,

the representative of the plaintiffs PERSON_1, PERSON_2 and a third party not claiming independent claims regarding the subject matter of the dispute, on the side of the plaintiffs, the International Charitable Organisation "Environment-People-Law", did not appear,

representative of the plaintiff PERSON_3 - Voichenko S.V,

a representative of the defendants Tyachiv District State Administration, Rakhiv District State Administration and a third party not claiming any independent claims regarding the subject matter of the dispute, on behalf of the defendants Yasinya Village Council - Y.O. Ivanova,

Delyatynchuk A.I., representative of the Yasinya village council,

Kostyak P.P., representative of the Ust-Chorna village council,

Having considered in open court in the cassation instance administrative case No. 807/1314/17

under the claim of PERSON_1, PERSON_3, PERSON_2 to the Tyachiv District State Administration and the Rakhiv District State Administration, third parties not claiming independent claims regarding the subject matter of the dispute on the side of the plaintiffs: Carpathian Biosphere Reserve, International Charitable Organisation "Environment-People-Law", Lopukhiv Village Council; third parties not claiming any independent claims regarding the subject matter of the dispute on the side of the defendants: Yasinya Village Council, Ust-Chorna Village Council, on the recognition of unlawful and cancellation of orders, the proceedings in which are open

on the cassation appeal of PERSON_1, PERSON_2, the International Charitable Organisation "Environment-People-Law" against the decision of the Eighth Administrative Court of Appeal of 15 December 2022 (adopted by the panel of judges: judge-rapporteur Shevchuk S.M., judges: Kukhteia R.V., Nosa S.P.)

RULED:

The cassation appeal of PERSON_1, PERSON_2, and the International Charitable Organisation "Ecology-Law-Human" shall be granted.

The decision of the Eighth Administrative Court of Appeal of 15 December 2022 shall be cancelled.

The decision of the Transcarpathian Regional Administrative Court of 17 February 2020 is upheld.

To recover in favour of PERSON_1, at the expense of the budgetary allocations of the Tyachiv District State Administration, the court costs for the payment of the court fee for filing a cassation appeal in the amount of UAH 640.

To recover in favour of PERSON_1, at the expense of the budgetary allocations of the Rakhiv District State Administration, the court costs for the payment of the court fee for filing a cassation appeal in the amount of UAH 640.

To recover in favour of PERSON_2, at the expense of the budgetary allocations of the Tyachiv District State Administration, the court costs for the payment of the court fee for filing a cassation appeal in the amount of UAH 640.

To recover in favour of PERSON_2, at the expense of the budgetary allocations of the Rakhiv District State Administration, the court costs for the payment of the court fee for filing a cassation appeal in the amount of UAH 640.

To recover in favour of the International Charitable Organisation "Ecology-Law-Human", at the expense of the budgetary allocations of the Tyachiv District State Administration, the court costs for the payment of the court fee for filing a cassation appeal in the amount of UAH 640.

To recover in favour of the International Charitable Organisation "Ecology-Law-Human", at the expense of the budgetary allocations of the Rakhiv District State Administration, the court costs for the payment of the court fee for filing a cassation appeal in the amount of UAH 640.

The resolution comes into force from the date of its adoption and is not subject to appeal.

Chairperson: T. Strelets

Judges: Tatsiy L.V., Stetsenko S.G.

Court	Administrative Court of Cassation of the Supreme Court
Date of the decision	09.10.2024
Published	11.10.2024
Document number	122199777
Litigation	Administrative
Category.	Regulatory matters urban development and land use, in particular in the field of urban planning; architectural activities