CONSEIL DE L'EUROPE

COUNCIL OF EUROPE

COUR EUROPÉENNE DES DROITS DE L'HOMME
EUROPEAN COURT OF HUMAN RIGHTS

THIRD SECTION

DECISION

Application no. 18496/04
by Gevorg TCHGHLYAN
against Armenia

The European Court of Human Rights (Third Section), sitting on 7 June 2007 as a Chamber composed of:

Mr B.M. ZUPANČIČ, *President*,
Mr C. BÎRSAN,
Mr J.-P. COSTA,
Mrs A. GYULUMYAN,
Mr DAVID THÓR BJÖRGVINSSON,
Mrs I. ZIEMELE,
Mrs I. BERRO-LEFÈVRE, *judges*,
and Mr S. QUESADA, *Section Registrar*,

Having regard to the above application lodged on 13 May 2004,

Having regard to the friendly settlement reached between the parties,

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Gevorg Tchghlyan, is an Armenian national who was born in 1936 and lives in Yerevan. He was represented before the Court by Mr A. Grigoryan, a lawyer practising in Yerevan. The Armenian Government ("the Government") are represented by their Agent, Mr G. Kostanyan, Representative of the Republic of Armenia at the European Court of Human Rights.

The facts of the case, as submitted by the parties, may be summarised as follows.

The applicant owned three constructions which measured 61.52 sq. m., 60.35 sq. m. and 311.2 sq. m. situated at 1/3 Abovyan Street, Yerevan.

On 25 November 2000 the Government adopted Decree no. 774 by which it approved a project presented by the Yerevan Mayor's Office (*Երևանի քաղաքապետարան*) to construct an avenue, the Northern Avenue (*Հյուսիսային պողոտա*), in the centre of Yerevan.

Since a part of the applicant's property fell within the Northern Avenue construction zone, he was informed that it was to be taken for State needs and was offered compensation in the amount of USD 29,200 which he refused.

On 1 August and 9 September 2002 the relevant public authority lodged two claims against the applicant seeking to oblige him to sign an agreement on taking for State needs of the 61.52 sq. m. construction and another construction which measured 37.54 sq. m. and fell within the 311.2 sq. m. area belonging to the applicant.

On 19 September 2002 the Kentron and Nork-Marash District Court of Yerevan (*Երևան քաղաքի Կենտրոն և Նորք-Մարաշ համայնքների առաջին ատյանի դատարան*) granted both claims, ordering the applicant to sign an agreement for a total amount of compensation of USD 47,018. No compensation was awarded for the 60.35 sq. m. construction since this was found to have been unlawfully built.

On 30 September 2002 the applicant lodged an appeal, contesting, *inter alia*, the amount of compensation.

On 6 May 2003 the Civil Court of Appeal (*ՀՀ քաղաքացիական գործերով վերաքննիչ դատարան*) upheld the judgment of the District Court.

On 21 May 2003 the applicant lodged a cassation appeal.

On 4 July 2003 the Court of Cassation (*ՀՀ վճռաբեկ դատարան*) granted the applicant's cassation appeal and remitted the case.

On 10 October 2003 the Civil Court of Appeal granted the claims upon a fresh examination, awarding the same amount of compensation as before.

On 24 October 2003 the applicant lodged a cassation appeal.

On 28 November 2003 the Court of Cassation dismissed the applicant's cassation appeal.

COMPLAINTS

1. The applicant complained under Article 1 of Protocol No. 1 that the deprivation of his property was unlawful, that the amount of compensation was not properly calculated and that he had to pay 10% income tax on the amount of compensation awarded.

2. The applicant complained under Articles 6 § 1 of the Convention that he was placed at a significant disadvantage vis-à-vis his opponent.

3. The applicant complained under Article 13 of the Convention that he did not have an effective remedy.

THE LAW

On 9 January 2007 the case was communicated to the Government.

By a letter of 16 March 2007 the Government informed the Court that they were willing to reach a friendly settlement with the applicant and that they were in the process of negotiating the terms of such settlement. The Government requested two months to finalise these terms.

By a letter of 16 March 2007 the applicant's representative informed the Court of the same.

On 12 April 2007 the applicant signed an agreement with the Government on the friendly settlement of the case. According to this agreement, the Government undertook to pay the applicant by 23 April 2007 the sum of USD 150,000 (one hundred fifty thousand). The applicant in return agreed to withdraw his complaints lodged with the Court.

By a letter of 20 April 2007 the applicant informed the Court that the Government had met all their obligations under this agreement. He wished to withdraw his application lodged with the Court and requested the Court to strike it out of its list of cases.

The Court takes note of the friendly settlement reached between the parties and finds that the matter has been resolved at the domestic level and that the applicant does not intend to pursue his application (Article 37 § 1 (a) and (b)). Furthermore, the Court finds no special circumstances regarding respect for human rights as defined in the Convention and its Protocols which would require the continued examination of the application (Article 37 § 1 *in fine* of the Convention). Accordingly, the case should be struck out of the list.

For these reasons, the Court unanimously

Decides to strike the application out of its list of cases.

Santiago QUESADA
Registrar

Boštjan M. ZUPANČIČ
President