

Constitutional Court Ruling No. 2/2564 (2021)

Central Administrative Court

Applicant

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Respondent

Constitution, section 26 paragraph one;

Immovable Property Expropriation Act, B.E. 2530 (1987), section 34.

Section 34 of the Immovable Property Expropriation Act, B.E. 2530 (1987) provided that a person entitled to receive compensation must file a request for compensation within a ten-year period as from the date of funds deposit. Failure to act within such time limit would result in such funds vesting in the state. This provision adhered only to the convenience of the state without regard to the rights of a person who was the owner of expropriated immovable property, and without regard to the case where the owner of such immovable property entitled to receive compensation encountered complications in showing his/her right, or where there was cause preventing such person from exercising rights within the stipulated time limit. Such was the case despite the state being under a duty to pay fair compensation to the owner of the expropriated immovable property as a remedy for the loss caused by the State's deprivation of ownership in the immovable property from such person for public interests. The provision imposed a burden of public duty on a person in excess of what should be expected of persons co-existing in society. The provision of section 34 therefore imposed a greater restriction on the rights of a person whose property had been expropriated, and was a provision which increased a burden beyond necessity and unreasonably restricted the rights of a person. Hence, the provision was contrary to or inconsistent with section 26 paragraph one of the Constitution.