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FORCED EXPROPRIATION: BALANCING PUBLIC UTILITY AND PROPERTY RIGHTS

ADMINISTRATIVE LAW

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DECLARATION OF PUBLIC UTILITY OR SOCIAL INTEREST

Forced expropriation can only be carried out if it is justified that the project meets criteria of public utility or social interest, such as the construction of essential infrastructure or urban development projects.

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DETERMINATION OF JUST PRICE

The just price is the financial compensation paid to the expropriated property owner. It must be fair and reflect the market value of the property, ensuring the owner receives appropriate compensation for the loss of their property.

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TRANSPARENT PROCEDURE AND GUARANTEES

The expropriation process must be transparent, allowing affected owners to present claims and evidence. Additionally, the law establishes guarantees to protect their rights, including the right to appeal administrative decisions.

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PAYMENT AND TAKING POSSESSION

Once the just price is determined, the Administration must make the payment within an established time frame before proceeding with the occupation of the expropriated property. In urgent cases, a special procedure may be applied for quick occupation, with compensation adjusted afterward.

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www.mchmabogados.es

info@mchmabogados.es

950 106 453
674 21 65 59