

1987 August 26

[DEMETRIADES J]

IN THE MATTER OF ARTICLE 146 OF THE CONSTITUTION

SOPHOCLIS HADJILOSIF AND OTHERS,

Applicants,

v

THE REPUBLIC OF CYPRUS, THROUGH
1 THE COUNCIL OF MINISTERS,
2 THE MINISTER OF DEFENCE,

Respondents

(Case No 780/85)

Constitutional Law — Right to property — Constitution Art 23 8(c) — Requisition of property — Period of — Hadjilosif v Republic (1987) 3 C L R 957 adopted

5 By means of this recourse the applicants impugned the validity of an order prolonging the period of a previous requisition order of certain of their immovable properties

Held, annulling the sub judge decision, that the same has to be annulled for the same reasons as those expounded in *Hadjilosif v Republic* (1987) 3 C L R 957

10 *Sub judge decision annulled*
Costs against respondents

Cases referred to

Hadjilosif v Republic (1987) 3 C L R 957

Recourse.

15 Recourse against the decision of the respondents to extend the order requisitioning applicants' immovable property situated at K Lakatamia

A Ladas, for the applicants.

20 *A Papasavvas, Senior Counsel of the Republic, for the respondents*

Cur adv vult

DEMETRIADES J. read the following judgment. On the 24th August, 1985, the respondents, by Notification published in Part II of the Third Supplement to the Official Gazette of the Republic, No. 1270, extended a previous requisition order of the properties of the applicants situated at Pano and Kato Lakatamia, plots 357, 360, 334, 335 and 333 of complex B, Sheet/Plan XXX/12 EI and II.

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The applicants, by their present recourse, complain that the decision of the respondents is null and void of no effect.

This case came before me together with Case No. 584/84 and as the legal and constitutional issues raised in both cases are identical, counsel submitted that both cases could be tried together. For this reason they adopted in the present case the submissions and arguments they put forward in their addresses which were filed in Case No. 584/84.

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Although the sub judice requisition order in the present case is of the same nature as that in Case No. 584/84, still it is not the result of the same administrative act. For this reason, I feel that I must make a finding as to its legality.

The views I expressed and the findings I made in Case No. 584/84* apply with equal force in the present recourse and I adopt them. Copy of my judgment in that recourse is appended hereinafter.

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In the result, the sub judice requisition order is annulled.

The respondents to pay the costs of this recourse.

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*Sub judice decision annulled.
Costs against the respondents.*

* See (1987) 3 C.L.R. 957.