

THEMATIC TITLE	PROBLEMS OF EXPROPRIATION AND ACQUISITION OF IMMOVABLE PROPERTY: A CASE STUDY OF THE NON-EXPROPRIATED THIRD PARTY AFFECTED OR LOSED THE BENEFIT DUE TO EXPROPRIATION
KEYWORDS	EXPROPRIATION/ACQUISITION OF IMMOVABLE PROPERTY/ COMPENSATION/ IMMOVABLE PROPERTY/EFFECT OF EXPROPRIATION TO THE THIRD PARTY
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YEAR	2019

ABSTRACT

The expropriation of immovable property is inevitable for performance of public service of State to respond the desires of people and national development. Therefore, the Expropriation and Acquisition of Immovable Property Act B.E. 2562 (2019) is a significant mechanism and primary instrument for the successful completion of public service of State which the expropriation acquiring the immovable property must pay fair compensation.

In addition to paying fair compensation for the expropriated, Section 33 paragraph two of the Expropriation and Acquisition of Immovable Property Act B.E. 2562 (2019) also provides the rights protection of affected or lost benefit third party from immovable property expropriation. However, this Section only provides the utilizing habitation, building, or other immovable properties which does not cover the rights protection of the non-expropriated person but the expropriation devalues or deteriorates land, building, or other expropriated immovable

properties, including the expropriation causing health hazards. Hence, these affect third party who is not an expropriated or the expropriated person without entirely taking action of remedy or problem solution.

Additionally, Section 33 has not yet provided a period of time for the landowner submitting a request to the official for expropriating or buying the leftover non-expropriated habitation, building or other immovable properties which still is established on non-expropriated land and unable to be divided leading to the problem that the landowner cannot further utilize the leftover non-expropriated habitation, building or other immovable properties. This issue causes interpretation problem of the officials concerning how long a period of time that landowner has rights to submit the request for expropriation or buying leftover non-expropriated immovable properties. In this case, the law does not provide a period of time for landowner filing the request for the officials to expropriate or buy leftover non-expropriated immovable properties, the different interpretations problem depending on each consideration of the officials may be arisen from this indetermination. The different consideration of officials leads to another problem that any request is inconsistent with consideration of each agency, such request may be dismissed without taking consideration on the fact relating to the unutilized habitation or other buildings mentioned in such request which causes unfairness for the person who is expropriated a property and inconsistency with intention of the Expropriation and Acquisition of Immovable Property Act B.E. 2562 (2019) intended to provide rights and liberty protection to people affected from expropriation in form of paying fair compensation.

From the study and analysis of mentioned legal problems, the researcher, therefore, has a suggestion to solve the problems by amending the current provision to provide the rights protection to non-expropriated person but the expropriation devalues or deteriorates his land, habitation, building or other immovable properties, including causing health hazards. Moreover,

the researcher also proposes to specify certain and clear duration for landowner to filing a request for expropriating or buying the leftover non-expropriated habitation, building or other immovable properties by legislating in the Expropriation and Acquisition of Immovable Property Act B.E. 2562 (2019).

In the case of amending the provision in accordance with mentioned suggestions, the Expropriation and Acquisition of Immovable Property Act B.E. 2562 (2019) will provide legal protection to non-expropriated people but affected from expropriation which will be fairly received the remedy and compensation for damages and this will also eliminate or reduce conflicts between affected people and State. The amendment of this provision will successfully produce more efficiency and rapidity in performance of administrative functions and it shall make public service well achieved.