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**Special considerations of demolition of the buildings and structures  
constructed without a permit  
on the state-owned land parcel restricted for construction**

**Summary**

The article addresses special conditions sanctioning demolition of buildings and structures erected without a permit on the state-owned land parcel restricted for construction according to the Georgian legislation and the practice of suspension of enforcement proceedings of similar resolutions by the court. It reviews the regulation envisaged by part 4 of Article 25 of Product Safety and Free Movement Code, according to which buildings constructed on state and/or self-governing unit-owned land parcels are subject to demolition and an appeal of the resolution on demolition does not suspend its enforcement. Despite the above, within the procedural legislation, the court suspends the enforcement process in the part of demolition. The article assesses the prospective of placing such buildings and structures within the legal framework in the future (compliance with the general plan, functional zoning, rules of development and use of the territory), i.e. their eligibility for obtaining a permit in deciding on the suspension/non-suspension of the demolition enforcement process. In Georgian practice, this factor is not accentuated by the construction control body when making a resolution on demolition, nor does the court evaluate it, which is the most significant circumstance in the process of making and enforcing such type of resolutions.

Examples from the Polish and German practice where a permit allowing illegal buildings and structures to be admitted (as complying with the substantive construction law) is one of the most significant preconditions for making a resolution regarding demolition are presented and discussed.

The circumstances to be considered in the course of suspension by the court of demolition of buildings and structures illegally constructed on state and/or self-governing unit-owned land parcels are also described, and legislative changes/amended regulations for the sake of avoidance of procrastination of such type of demolitions have been recommended.

**Keywords:** construction law – building without permit – demolition – illegal construction/structure