

# **SOME LEGAL PROBLEMS IN CADASTRAL REGISTRATION OF LAND PLOTS BY RUSSIAN CIVIL LAW**

*Fedorova Irina*

*Candidate of juridical science,*

*Moscow State University of Economics,*

*Statistics and Informatics, Moscow*

The most important feature, which must meet the land, in order to be recognized as property, and thus the subject of transactions, is that the land must be appropriately individualized. In other words, it must be determined the size, boundaries and locations. The territorial boundaries of the land are determined in accordance with the laws of the land on the basis of documents issued to the owner of the state agencies for Land Resources. Steps to determine the location and boundaries of the land are called surveying. [1, p.38].

Land owners are not withdrawn from circulation and is not limited in circulation (eg, agricultural land), according to the Land Code of the Russian Federation and the Civil Code of the Russian Federation shall have the right to freely dispose of these areas, if it is not detrimental to the environment and does not violate the rights and lawful interests of other individuals. However, the object of transactions may be only those lands that have passed state cadastral registration. This language does not mean that the land was required surveying and was aligned with the land legislation, but only that the previously issued documents of title to the land should be updated and contain cadastral number of the land.

The final document confirming the holding of cadastral particular plot of land is a cadastral passport of land, containing graphics and text reproductions of the information contained in the state cadastre of real estate, namely the cadastral number of the land, the land address, land area, land class and the permitted use of the land, a description of boundaries and their parts; qualitative characteristics of the site, the presence on the land of real property (buildings, structures), registered real rights to the land; restrictions (encumbrances) of rights to land, registered in the established order. [2]

Land legislation does not oblige to carry out activities on surveying the land, but only assign the inventory number. In this regard, there is often a problem with the definition of the location of the land after the fact. Upon the sale (or other change of ownership) of land its borders were not aligned with the land legislation. The new owner may not know in what borders he bought land. This fact leads to many unwanted consequences.

When cadastral registration of the new owner, disputes often arise with adjacent landowners, as in conducting cadastral works and then transferring the results of a paper version of the possibility of imposing boundaries of adjacent land. In connection with this the owners of adjacent parcels in cadastral registration and conduct of survey would have to prove in court is not the legality of these actions, and the duty to "rebind", that is, alter the boundaries of the cadastral passport of land assigned to the new owner of the land, which then acquired a cadastral number, not put on cadastral registration in accordance with the laws of the land plot.

In this regard, one obvious way out of this situation is the cadastral registration of land with compulsory measures for surveying the land , that is, determining the boundaries of the land , with the installation of boundary marks .

It seems that the cadastral registration of the land for the state as a whole is undoubtedly important, because they are still a certain amount of land owners in possession of the right of ownership over the years dating back to 1991-1997 , the cadastral number of the land not appropriated ( but only conditional), it did not in the least due to tax and to determine the cadastral value of land , as in the determination of the cadastral value specifies the amount of land in the cadastral quarter. But , nevertheless , this fact will reduce the number of appeals to the courts for trial on the definition of land boundaries. In addition, the planned introduction of a new tax on real estate based on cadastral data , sizes , borders, and the cadastral value of the parameters of which also cause a lot of controversy with the authorities.

#### References

- 1 . Federal Law " On the State Real Estate Cadastre" from 24.07.2007 № 221 / / Collected Legislation of the Russian Federation , 30.07.2007, № 31 , st.4017
2. Order of the Ministry of Economic Development of Russia from 28.12.2012 N 831 " On approval of cadastral passports buildings, unfinished construction , facilities , land, inventory statements about the land , about the building, structure, facility under construction and cadastral plan of the territory " / / "Rossiyskaya Gazeta " , N 112, 28.05.2013