

ABSTRACT

Thesis Title : The Problems of the Expropriation of Immovable Property:
A Study of Market Value

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The right of the individual to receive fair compensation payment from the government for expropriation of immovable property at market value, has been prescribed in Thailand's Constitutional Law and Immovable Property Expropriation Law for a long time and has been amended on several occasions in order to fix it at market value. The latest alteration of the fair compensation payment market value occurred according to Announcement No. 44 on February 28, 1991, made by the National Peacekeeping Council which currently enforces the law. However, there are still a growing number of complaints by those affected by the law, who demand that the compensation payment be fixed at current market value. This dispute has delayed the completion of the government 's infrastructure and public service projects, thus affecting the entire nation, as well as those directly concerned.

The unfairness in fixing compensation payment at a price which is not at current market value is partially the result of legal provisions creating an organization charged with fixing the compensation payment, but which retains no clear scope of

activity. This forces the organization responsible for enforcing the law to set up its own regulations or practices which has led to confusion. Some problems have resulted in the exercise of discretion by government officials so empowered, while other problems are the result of forced expropriation due to a failure of officials to follow the law.

I am writing this thesis to study practices and governing principles of compensation payment in cases of forced expropriation according to unamended law and provisions of the most recent Land Expropriation Act B.E. 2530 (1987 A.D.), both before and after its amendment according to Announcement No. 44 on February 28, 1991. The emphasis of this study is placed on the organization empowered to fix compensation payment and related governing principles, as well as the methods used in the price evaluation of immovable property, the execution of their duty by government officials and related legal problems.

Through this thesis, I summarize my research and propose methods to solve the problems arising from extant legal provisions and from law enforcement in order to create fairness in the actions of those forced to expropriate which will satisfy the portion of society affected by the relevant law.