

Appeals Dossiers

Last Updated: Thursday, 12 September 2019 11:03

Hits: 82

- Promotional Written Appeal with the stamp of \$ 5.00 MN and as many copies as counterparts are, leaving evidence of the date of filing and who receives it.
- Registry file of the deceased owner, or those of the parties in the case of usufructuaries.
- Registry of summons to the parties, deliver a copy to each giving a term of 20 days for them to respond.
- The written answers must have the stamp of \$5.00 MN.
- New verifications and investigations carried out, which must include the practice of the evidence proposed by each of the parties.
- Criterion of the CCS President and the Director regarding the appeal.
- Criterion of the provincial and municipal ANAP President.
- If there is a contradiction between the criteria issued by Provincial Delegate or Agriculture Director and ANAP President at that level, should be submitted to the consideration of Provincial Commission on Agrarian Affairs and incorporate a copy of the Minutes in the file, the meeting must be attended by the dissenting parties.
- Foliar chronologically the new documents, incorporate and index them, updating the paperwork sheet.
- Legal opinion on the Appeal, which must be approved by the Provincial Department Director of Land Control and the Head of the Legal Department.
- Criterion of the Provincial Delegate or Director of Agriculture addressed to the Minister, containing elements that allow a concrete proposal on the decision to be made.
- In the case of refusal to hand over land in usufruct, authorization must also be requested to join a Credit and Services Cooperative, stating the reasons.
- When a resolution is issued declaring with place, the Provincial or Municipal Delegate or Director shall issue a new resolution, handing over the land.

Cases have arisen in which the productions to which the lands are dedicated are modified and for this purpose the Municipal or

Provincial Delegate or Director, as the case may be, must issue a new resolution authorizing the change, taking into account that the land was already delivered and the precepts of article 11 of Decree 304/12 are complied with, it is not necessary to make a new application procedure; In other cases the change of link is requested, because the unit can not continue to serve the usufructuary for various reasons, in this case it is not necessary to issue a new resolution, as it is not contained in Article 11 mentioned above and therefore, will be made by supplement to the usufruct contract requesting authorization from the Minister when it is for a Cooperative Credit and Services.

When the Minister of Agriculture issues a decision in a review or appeal procedure, the same must be complied with even if the land has been handed over to another person, who must leave the land immediately, since there is no possibility of claiming against the decision in administrative or judicial proceedings.

When a usufructuary dies and a relative or other person is working the land, no fine should be imposed, nor should an illegal occupant be declared.

Prior to the application for a declaration of public utility and social interest as grounds for extinguishing a usufruct in part or in whole, it is an indispensable requirement that exchanges with the usufructuary have been exhausted so that he can submit his resignation and initiate another process of land delivery. The Minister must be presented with cases in which there is no agreement between the individual and the administration, as established in article 425 of the Civil, Administrative, Labour and Economic Procedure Act.

- Resolution issued by the Minister of Agriculture.
- Notification to all parties.
- Proof of payment to ONAT.
- Minutes of Inscription.