

Ownership of Land and Its Limitations by Underground Construction of Another Owner

Abstract

The thesis deals with the ownership of the land and its potential limitations, which have caused in the existence and operation of another entity's underground structure beneath its surface. The focus of the thesis is on defining the property as a three-dimensional body, focusing attention on the space beneath the Earth's surface, which is the optimum place to house structures providing activities that, due to technical, economic or environmental reasons, are not suitable to be placed and operated on the surface. In order to determine the scope of ownership of the subsurface land, the land is defined as a matter in legal terms and an object of land ownership and the possibility of determining the horizontal boundary of the land on a vertical axis in the direction below the Earth's surface is examined. The thesis encapsulates the current theoretical concepts of property law, constitutional guarantees, content, and internal limits. It also points out the limitations of the landowner by the Institute of Purpose Land Categorization, which aims to achieve optimal land use as a key component of the environment.

Subterranean construction is further defined in the thesis and the criteria crucial for determining an underground structure as separate things are the autonomy of the purpose determination of that structure, the temporary nature of the underground structure or its character as linear construction. The question of which sources is it possible to learn about the presence of underground construction on the property is addressed.

The thesis maps out the possible limitations of ownership of the land, which have caused in the existence and operation of the underground structure beneath its surface. It is dedicated to the most fundamental aspects of the various ways in which the owner is restricted as a result of the existence or operation of underground construction. The restriction of the property title to the land is categorized in the thesis as a restriction on the exercise of ownership of the underground building; the exercise of other rights of the owner of the underground building with substantive and obligatory effects; for the protection of the public interest; the use of the land for an important reason; and particular attention is paid to noise pollution and vibration, in particular of which the large underground structures are a source.

Key words: land; underground construction; limitations of ownership