

Investigation the nature and legal effects of building permits

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Abstract: One of the duties assigned to the municipalities by law is the issuance of licenses for all buildings built in the city. The task of determining the criteria for construction and segmentation and determination of maps and maps and limits of cities has been counted from other municipal tasks. In addition to the necessity of obtaining a license from the municipality for any construction work and building of the city and city limits, the authority to prevent unauthorized construction work and the permission and referral of the violation file to the commission with a special combination to handle and, if necessary, issue a tent vote on opposite tanks. The principles of urban and technical health are foreseen in the law and are among the duties of the municipalities. Since urban regulations in Iran are budding, their legal nature needs to be analyzed so that the law and courts can support the rights of the people and city order. This thesis tries to illustrate the issue by illuminating the legal foundations of urban regulations and the rights of the people in the light of these regulations and by taking advantage of the legal resources of other countries.

Therefore, the purpose of this study is to investigate the nature and effects of building butterflies.

INTRODUCTION

According to traditional civil rights regulations, ownership has been a complete and absolute right. The owner could take possession of his possessions in the upper atmosphere and underground. However, in the history of Iranian law, no Maliki could build his own building overlooking neighborhoods. With population growth and the expansion of cities, regulations for urbanization began in Europe, America and then Iran.

However, new regulations have created restrictions on owners from the height of buildings and lines of withdrawal in the streets and streets. The municipal government should also enforce these restrictions when the license is issued.

At the same time, these constraints create mutual reciprocal rights for landlords to enjoy equal opportunities for sunshine, visibility and landscape, and the security of living space and the like. The violation of the municipal regulations and the sale of congestion from the city to the recognition of illegal funds is not the case of criminal offences.

Each owner may request the revocation of such licenses from the Administrative Justice Court. The mayor is also a prosecutor for the crime of bribery and must compensate for material and moral losses caused by violations of urban planning rules to proxies.

In this part of the research, such as the expression of the issue and its importance and purpose of research, the methodology and methodology of this research is presented to determine the reader's mind about the research in a clear path and the original framework is developed in the reader's mind.

Expression of Research Question

The important issue in the field of urban management is the ordering of the construction of the city's buildings, and since the most important organ in this area is the municipality, the municipality has the duty, in accordance with Articles 55 and 100 of the Municipality Law, to oversee the construction of the city's boundaries.

Another of the duties entrusted to the municipality by law is the issuance of a permit for all buildings that are built within the city. The task of defining construction regulations, segregation and segmentation, and determining the map and boundaries of the city are counted from other duties of the municipality.

In addition to the necessity of obtaining a license from the municipality for every civil construction activity and building the building in the city limits, the authority to prevent construction operations, without permission and permission and referral of the infringement file to a commission with a special combination for consideration and, if necessary, the issuance of tin ballot papers. Contrary to the principles of urbanization and technical and health, the law is foreseen, and is considered as one of the duties of municipalities.

So one of the most important and, of course, things to consider when building a building is "obtaining a building permit".

Generally speaking, this license is a construction policy, so that a person at all stages of the license fulfills the criteria and criteria for construction.

Now, considering the above, it is examined whether the type of building permit is in terms of the nature of the contract that the municipality (or other relevant authorities) issues and provides to the owner. What are the legal implications of a construction license? Will the municipality be able to revoke it after issuing a building permit? What are the cancellation permissions of the building? Does a person become known as a real property owner after completion of construction?

First, this research is to answer these questions in the legal works of building permits to be written and can be revised or not, as well as the time limit for issuing building permits. The citizen, having knowledge of the building regulations for construction of housing, has taken a construction permit and, after referring to the municipality, to obtain a construction permit, first, based on the use, the current status and compliance with the requirements of the plan, and to the competent engineers who have the license Employment, and they are introduced by the Urdu of the entire road and urban planning, and then return to the municipality after the commitment and confirmation.

It should be noted that the municipality has designated construction permits for some time to perform construction operations. According to the law, the period of validity of the building permit from the date of issue to the completion of the operation is 24 months. If the building is not started and completed at this time, the holder of the license is required to obtain a new license or renew its license.

At this stage, the municipality issues a construction license detailing the requirements of urban, architectural, utilitarian, urban and sanitary matters.

Objectives

Examination of the nature and effects of construction butterflies

Secondary goals

Investigating the type of contract and its effects

Civil liability assessment of the issuing authority

Acquisition review with construction license

Checking how to issue a manufacturing license to the applicant

Questions

What is the legal nature and work of a building butterfly?

is there a reason for ownership ?

Theoretical definition

A: Building license

A building or technical birth certificate is the building of a book which gives the municipalities (or other licensing authorities such as municipal assistance) and provide the owner.

The competent authority shall be obtained by the competent authority to establish any building.

The technical certificate of the building consists of information such as:

Substructure area, number of floors

Type of building structure, specifications of the applicant for issue

Registrar Plate Number, Named Engineers

The date of issue of the license is the land of the crocodile.

METHODS

Methods whose purpose is to describe the circumstances or phenomena under investigation. Descriptive writing can only be used to better understand the existing conditions or to assist the decision process, and the correlation method explores the relationship between variables. The method of this paper is applied in terms of its purpose and in terms of the design of the library method (books, Publications, documents, documents, etc.).

Data collection method

in this paper, we used library method to collect information about theoretical basics and literature from library method through reviewing books, publications, documents, available training documents, valid internet resources, and refer to the municipalities and the relevant municipalities.

Method of analysis of article data

Analysis as a process of scientific method is one of the fundamental bases of any article.

Generally speaking, analysis is a way through which the whole process of an article is guided from problem selection to access to a result. In this paper, the library method is used to analyze the data to review the information.

CONCLUSION

It is a document that has to be issued before the municipality commences, and the construction of any construction operation without a building butterfly is against the law, and municipalities and other building control authorities are obliged to prevent the continuation of construction of non - butterfly buildings. The rules of traditional architecture in Iran dates back to the Sassanid era.

These criteria have been implemented in urban buildings throughout Iran's history. After the constitution and the establishment of the Legislative Assembly in Iran, with the gradual expansion and increase of the population of cities, legislation in the field of urban planning began with the observance of the experience of advanced countries and the pre-revolutionary rules of Iran were established and grounded.

By maintaining the private property rights of the people, the laws of urban development pursue a number of great goals such as restoring order, controlling and controlling the population in the cities, forging a human life for the citizens and beautiful cities, so they are carefully implemented in all countries.

In Iran, these useful provisions have been implemented since ratification. For more than a decade after the revolution, sovereignty in Iran was firmly supportive of the implementation of these regulations, but for reasons that were not discussed in this article, this support was shaken and a series of lawbreakers left a decaying urban order in Iran.

The consequences of the collapse of urban regulations in our country have been too heavy. since urban regulations in iran are budding, their legal nature needs to be analyzed so that jurists and courts can support the rights of the people and city order.

The violation of the Civil Code and the issuance of construction licenses outside the framework of a comprehensive plan in cases involving the collapse of buildings and the entry of physical and financial damages to the neighbours or workers, also raises the civic responsibility of the mayor and the practitioners as well.

This responsibility is due to violations of the urban planning regulations and to the perpetrator, not to the relevant administrative apparatus. Article 11 of the Civil Liability Act of 1339 is clear in this regard:

Employees of the state and municipalities and their affiliated institutions who, intentionally or as a result of their deliberate discharge, cause damage to individuals are personally liable for compensation ..."

therefore, the mayors cannot pay the loss of blood and damage to the city's financial facilities. It is also stated that with the payment of illegal funds and the construction of the construction license more than the required height in the detailed design with non - legal or non - legal damage to third parties, they also have civil liability against their actions in addition to criminal responsibility.

On the other hand, the construction of violations of urban planning based on these building permits and the purchase of congestion is carried out on the rights of neighboring neighbors to obstruct the sunshine, visibility and landscape, air flow, traffic and air pollution caused by devices Heat builders and large cold stores, annoying and prolonged noise of loaders and heavy machinery in these structures, and the destruction of the comfort and tranquility of neighbors and society and the leakage of groundwater into nearby neighborhoods for neighbors.

These factors, in particular, the construction of buildings with unconventional height, reduce the price of real estate and neighborhoods. In a global experience, it is shown that ignoring and violating human rights harm people " s health and health.

The violation of the rights of the people and the establishment of the nobility to the homes and private lives of families is one of the most important factors of these injuries. All these losses are caused by the violation of the rights of the neighbours in these illegal settlements.

Article One Civil Law Act of 1339, which in its place was one of the most valuable innovations in legislation in our country, covers all such damages to the lives and property of individuals in these cases. Based on this material:

Anyone who has intentionally, or inadvertently, the right to life or health, or property, or liberty or prestige, or trade fame, or any other right created for the benefit of the law by a lawful person, causes damage to the material or the moral hazard. Compensation is indemnified. Is due to our practice.

Certainly a building permit issued by the Mayor in violation of urban planning regulations is not a legal right for such construction and repairs, and the damage caused to third parties by such construction will be borne by the owners or their partners in the construction.

Particularly, such actions, including those constituting the victim of destruction, are also subject to article 677 of the Islamic Penal Code.

Since the civil liability of the municipality, which issues a building permit outside the framework of urban planning regulations and the owners of the building on which it is based, is generally documented in criminal law, so that the losses incurred by individuals in these cases are due to it is a crime and, in accordance with Note 2 of Article 1 of the Law on the Implementation of the Financial Convictions of 1351, these persons will be liable for the restoration of this responsibility.

City planning regulations are approved by creating restrictions on the property rights of property owners in cities, in the welfare, comfort, public safety of the community and in a series of other beneficial purposes, and are subject to customary and public order.

These regulations apply to all landowners in a city, providing high-quality mutual rights for limiting the height of buildings and limiting the number of visitors.

According to Article 7 of the Law on the Establishment of the Supreme Council for Urban Development and Architecture, the municipality is required to implement these restrictions in the issuance of building permits and deal with the offenders.

These regulations have been carefully implemented since the year of 1369, but those who subsequently took over the municipality of Tehran have opened up the sale of congestion and gaining illicit proceeds, and this is the comfort, prosperity and security of the citizens in the capital and security. The country has been compromised.

The Administrative Justice Court is competent to deal with citizens' complaints regarding the issuance of building permits, in violation of the comprehensive plan, detailed plan, and rape of the property rights of the people, and to cancel such permits that are issued in violation of urban planning regulations.

The General Courts are also competent to deal with any violation of their neighboring property rights and the violation of the high-ranking rights that each individual has towards the neighboring property and to uphold this proprietary right.

The Mayor's violation of the urban planning law is subject to criminal prosecution against the receipt of illicit funds and the losses incurred by third parties seeking the issuance of such licenses must be offset by the wrongdoer.

When a building permit is issued in violation of urban planning regulations and a license is issued for a high-rise building alongside low-rise buildings constructed in accordance with a detailed plan, such structures are generally accompanied by illegal and excessive excavation.

Following such excavation and throwing of soil, in many cases neighboring buildings collapsed and residents of these houses are killed and wounded. In many cases, construction workers who are digging underground rubbish are buried and lose their lives.

What can not be found in civilized countries that carefully implement urban planning regulations. The question arises who is responsible for the deaths and injuries that are foreseeable by such recruiting? this license and the violation of the rules of urbanism, has committed a heavy crime in quasi-intentional crimes and by giving such permits to the owner of a registered registration license plate with the violation of the rights of the neighbours has provided the ground for these crimes.

On the other hand, the owner of the land and the person who participates in such construction and excavation with him also has a criminal responsibility for harming the lives of the people.

Because it has caused the destruction and collapse of neighboring buildings by carrying out such illegal hijackings.

Such violations of urban planning regulations and actions based on such construction permits and the killing of people are in accordance with Article 206 of the Islamic Penal Code.

It has several reasons to say that ensuring legal construction, based on the technical and technical specifications of the city, the benefit of building incidents in the event of building incidents, protecting all the factors involved in construction in the event of construction incidents, preventing the emergence of building incidents in the event of building incidents, preventing the emergence of building incidents, and providing guidance and guidance, saving on construction costs due to the use of technical and engineering experiences during design and supervision.

Instead of a building butterfly, the "birth certificate" certificate, which includes the license and the lack of the opposite and termination of work, are provided by the municipality to applicants. The construction site includes information including: identity of each building and biography, including the identity of each building and biography,

the name and number and date of the issuance and specifications of the land, the owner of ownership, the owner of ownership, the type of ownership, the type of use, the type of use, parking conditions, reform and changes, and how to renew the various duties of the collection.

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