

## **4. PRIVATE ABOVE PUBLIC INTEREST**

During a six-month monitoring of the work of competent institutions in the field of spatial planning and development, MANS identified numerous cases of violation of law, not only by investors and construction companies, but also the institutions themselves and responsible persons in them. It is alarming that the largest number of law violations mainly included omission of the responsibility of conducting inspection control, which significantly endangered public interest in many cases and enabled investors to gain enormous profits through illegal construction.

Depending on the nature of these cases, MANS initiated procedure with the Administrative Inspection as the institution in charge of control of legality of work of state bodies or with the State Prosecutor.

### ***4.1. Criminal proceedings***

In cases when the competent body, construction inspector or responsible person in an institution did not observe the law, even after initiating proceedings with the Administrative inspection, MANS initiated criminal proceedings with the State Prosecutor, mostly based on doubts that there was a case of abusing the official position and negligent performance of legal duty.

#### ***Case Study 9 - Suzana Lackovic, Republic Construction Inspector***

On October 20, 2006, MANS submitted an initiative to the Republic Construction Inspection for starting inspection control of the object whose investor was Rajko Kuljaca from Budva (Case Study 4). On September 6, 2006 MANS submitted an initiative for inspection control of the Company SI-ING object, and on September 7, 2006 an initiative for starting procedure of supervision of the objects of Tomislav Boricic from Podgorica and companies Celebic Ltd and Kroling Ltd (Case Study 6).

The initiatives were submitted due to doubts that the above mentioned investors did not have all the documents required by law to construct and use the objects. According to the information of the Republic Construction Inspection, the cases were assigned to the inspector Suzana Lackovic for further procedure.

Since inspector Lackovic did not react to the initiatives within the deadlines defined by law, MANS contacted the Administrative Inspection which concluded that the inspector violated the law and ordered removing of the flaws in the procedure. It was only after this that Lackovic carried out the inspection control and concluded that there was a violation of law, but also missed to use her authorities fully and punish the investors for illegal construction and using the objects without operation permit.

After learning about this, MANS submitted a criminal complaint to the Basic Public Prosecutor in Podgorica and the Police Directorate based on the doubt that the inspector *"negligently performed her legal duty and abused her official position, which caused damages for the Budget of the Republic of Montenegro in the amount of 90,000 euros of uncollected fines to investors*

who constructed the objects illegally and started using the objects without previously obtaining permits and approval of competent institutions".

### **Excerpts from the Criminal Complaint against Suzana Lackovic**

*"... In the case of investor Rajko Kuljaca, after the decision of the Administrative Inspection, inspector Lackovic concluded that there was a violation of law, but that the investor had provided a temporary operation permit for the objects issued by the Municipality of Budva. Taking into consideration that this is the object whose construction falls undoubtedly within the competences of the Republic Construction Inspection, inspector Lackovic should have known that the mentioned "temporary operation permit" does not exist as a legal institute in the Law on Construction of Objects (Official Gazette of the Republic of Montenegro, No. 55/00) and that it cannot be a legal basis for the investor to use the constructed object, nor can such a document produce any legal effect.*

*In cases referring to investors Tomislav Boricic from Podgorica and the companies Celebic Ltd and Kroling Ltd, inspector Lackovic concluded that the objects which were fully constructed and occupied, i.e. put into operation, did not have the operation permit issued by the line Ministry. The Law on Construction of Objects, in Article 51, stipulates that an object can be used only after providing the operation permit. Article 64, paragraph 1, item 5 defines the fine in the amount of the triple minimal salary in the Republic for the investor who starts using an object without an operation permit.*

*In the mentioned cases, inspector Lackovic missed to undertake measures against the investors from the scope of her authorities defined in articles 15 and 16 of the Law on Inspection Control which stipulates that "when during an inspection control it is concluded that a law or another regulation was violated or that prescribed standards and norms were not observed, the inspector shall undertake administrative measures and activities". Missing to carry out the control, inspector Lackovic caused damage to the Budget of the Republic of Montenegro on the ground of uncollected fines for illegal construction in the amount of triple minimal salary in the Republic per investor.*

*In the case of the object of SI-ING investor, inspector Lackovic established that the object had neither construction permit nor operation permit, although it had been completed and occupied long before that, which represents violation of Articles 32 and 51 of the Law on Inspection Control. Despite that, just like in the previous cases, instead of using her authorities, Lackovic instructed the investor to provide a construction permit from the line Ministry.*

*Taking the above mentioned into consideration, it turns out that there is a reasonable doubt that the Republic Construction Inspector, Suzana Lackovic, abused the office and through willful missing to carry out the due control enabled Rajko Kuljaca from Budva, Tomislav Boricic from Podgorica, and the companies Celebic Ltd, Kroling Ltd and SI-ING to gain profit equal to the amount these persons would have to pay for the municipal services and compensation for devastation of space and avoid to pay fines for illegal construction and putting into operation objects without operation permits.*

*Direct damage for the Budget of the Republic of Montenegro caused by this case equals the amount that the persons subjected to control, Rajko Kuljaca from Budva, Tomislav Boricic from Podgorica, and the companies Celebic Ltd, Kroling Ltd and SI-IN, should have paid for municipal services and as a compensation for devastation of space caused by illegal construction, as well as for the amount that should have been collected through fines defined in Article 64 of the Law on Construction of Objects."*

## **Case Study 10 - Vasilije Djukanovic, former Secretary for Spatial Planning and Development of the Municipality of Podgorica**

MANS submitted a criminal complaint to the Basic Public Prosecutor and the Police Directorate against Vasilije Djukanovic, based on a doubt that he abused the office while performing the position of the Secretary for Spatial Planning and Development and that, on that ground, he not only caused damages for the State Budget but also gained enormous financial gain for himself and other persons.

### **Excerpts from the criminal complaint against Vasilije Djukanovic**

*"Investor Mahmut Beslic, a physical person from Podgorica, submitted to the Secretariat for Spatial Planning and Development of the Municipality of Podgorica a request for construction permit for a house in the area Stari Aerodrom, whose total space was 319.44 sq. m., with a basement, ground floor, first floor and attic. The request was approved by the Decision of the Secretariat No. 08-361/01-662 dated May 14, 2001, issued by Zorica Dedeic, a lawyer in the Secretariat, and signed by Vasilije Djukanovic, the Secretary.*

*Less than a year later, after constructing the object with the dimensions much larger than the ones defined in the construction permit, Mahumt Beslic contacted the Secretariat on March 12, 2002 asking for a possibility to legalize the object. In his response dated May 21, 2002, Vasilije Djukanovic concluded that the dimensions defined in the construction permit had not been respected and that "it was concluded at the inspection on the spot that the constructed object had a ground floor, 4 floors and an attic" as well as that the difference between the approved and found state was 953 sq. m. and that there were no obstacles for the Secretariat for Economy of the Municipality of Podgorica to issue a temporary permit for use of this object.*

*The mentioned facts impose a conclusion that Vasilije Djukanovic, as a responsible person in the Secretariat, did not carry out inspection control in an adequate way during the construction of the object, and that he willfully missed to undertake all the actions defined by law against the investor of the object, which enabled Beslic to exceed without any obstacles the dimensions defined in the issued construction permit, build additional floors and thus gain a significant profit. In addition, when a violation of law was established after construction of the object, Djukanovic did not undertake anything from the scope of his competences, but instructed the investor to continue with the procedure of legalization of his object.*

*Only 15 days after this communication, Beslic concluded an Agreement of Purchase of Real Estate with Vasilije Djukanovic and Zorica Dedeic. They became co-owners of two flats of 47 sq. m. and 79 sq. m. respectively in the disputed object. Having in mind the time framework and circumstances under which Djukanovic and Dedeic became owners of the flats, there is a reasonable doubt that these flats were a "compensation" offered by Beslic for the omission to carry out inspection control over his object.*

*At the same time, Mahmut Beslic, as the owner of the Company "EVRO STAN" started construction of the blocks of flats in Zagoric - four terraced blocks of flats, with a basement, ground floor, two more floors and attic. He obtained a permit for these floors from the Secretariat for Spatial Planning and Development of the Municipality of Podgorica. The situation on the site shows that Beslic has again breached the permit and that the constructed object has a basement, ground floor, four floors and*

*attic. Again, Vailije Djukanovic had the competence to supervise the construction of this object. Therefore, there is a reasonable doubt that he willfully missed to carry out the inspection control.*

*After MANS started checking the allegations regarding possible abuse of office by Djukanovic in the case of the two mentioned objects, Djukanovic and Dedeic sold the two flats they had bought from Mahmut Beslic. Namely, the same day when MANS got a confirmation from the Real Estate Directorate (November 16, 2006), Djukanovic and Dedeic concluded an Agreement on Purchase of Real Estate, based on which the two flats became property of Zoran Milovic, executive director of the Company "EVRO STAN" and brother of Zorica Dedeic.*

*Taking the above mentioned into consideration, there is a reasonable doubt that Vasilije Djukanovic, while performing the function of the Secretary in the Secretariat for Spatial Planning and Development of the Municipality of Podgorica, abused his office and through a willful omission to carry out inspection enabled Mahmut Beslic and responsible persons in the Company "EVRO STAN" to avoid liability for illegal construction of objects and gain significant profit on be basis of additionally constructed floors on these objects. In addition, there is a reasonable doubt that Djukanovic gained illegal profit for himself and third parties by missing to carry out inspection over the mentioned objects.*

*Direct damage for the Budget of the Republic of Montenegro caused in this case equals the amount that the persons subjected to control, Mahmut Beslic and the Company "EVRO STAN" from Podgorica should have paid for devastation of the area caused by illegal construction and using the objects without operation permit. That is the amount that was supposed to be paid as a fine defined in Articles 64 and 65 of the Law on Constuction of Objects."*



Building at Stari Aerodrom in which Djukanovic had two flats



Building of the Company "Evro stan" in Zagoric (linked with Case Study 1)

## Construction permit issued to Mahmut Beslic for the building at Stari Aerodrom.

REPUBLIKA CRNA GORA  
OPŠTINA PODGORICA  
Sekretarijat za urbanizam,  
i građevinarstvo  
Broj: Up.08-361/01-662  
Podgorica, 14.05.2001. godine

Sekretarijat za urbanizam i građevinarstvo Opštine Podgorica, rješavajući po zahtjevu BEŠLIĆ MAHMUTA, iz Podgorice, na osnovu člana 34 i 35, Zakona o izgradnji objekata ("Sl.list RCG", broj 55/00) i člana 192. Zakona o opštem upravnom postupku, d o n o s i –

### R J E Š E N J E

ODOBRAVA se BEŠLIĆ MAHMUTU iz Podgorice izvođenje radova na izgradnji slobodnostojećeg dvojnog individualnog stambenog objekta, spratnosti: podrum, prizemlje, sprat i mansarda (Po + P + 1 + M), na urbanističkoj parceli broj 197-C, horizontalnog gabarita objekta 13 x 24 m, na području Detaljnog urbanističkog plana "Konik-Stari Aerodrom - Izmjene i dopune" u svemu prema u svemu prema projektu na koji je data saglasnost od strane ovog Sekretarijata broj Up.08-361/01-662 od 14.05.2001. godine, koji čine sastavni dio ovog rješenja.

Izvođenje radova na izgradnji dvojnog stambenog objekta može se ustupiti preduzeću registrovanom za vršenje djelatnosti u koju spada gradjenje takvog investicionog objekta.

Investitor je dužan prije početka gradjenja obezbijediti obeležavanje urbanističke parcele, regulacionih, nivelacionih i građevinskih linija u skladu sa propisima kojima je uređeno izvođenje geodetskih radova.

Obezbeđuje se investitor da obezbijedi preko stručne institucije stručni nadzor u toku projektovanja i gradjenja objekta, odnosno izvođenja radova za koje je izdata građevinska dozvola.

Priikom izvođenja radova na na izgradnji dvojnog objekta investitor je dužan pridržavati se projekta i građevinsko tehničkih propisa.

Ovo odobrenje prestaje da važi ukoliko se sa izvođenjem radova na izgradnji ne otpočne u roku od jedne (1) godine od dana prijema ovog rješenja.

Nakon završetka radova na izgradnji, investitor je dužan obratiti se ovom Sekretarijatu zahtjevom radi pribavljanja odobrenja za upotrebu objekta.

### O b r a z l o ž e n j e

Sekretarijatu za urbanizam i građevinarstvo Opštine Podgorica, zahtjevom broj Up.08-361/01-662 od 04.04.2001. godine, obratio se je BEŠLIĆ MAHMUT iz Podgorice radi pribavljanja odobrenja za izvođenje radova na izgradnji slobodnostojećeg dvojnog individualnog stambenog objekta, spratnosti: podrum, prizemlje, sprat i mansarda (Po + P + 1 + M), na urbanističkoj parceli broj 197-C, horizontalnog gabarita objekta 13 x 24 m, na području Detaljnog urbanističkog plana "Konik-Stari Aerodrom - Izmjene i dopune" u Podgorici.

Postupajući po zahtjevu ovaj Sekretarijat je isti ocijenio kao uredan iz razloga što je imenovani dostavio sledeću dokumentaciju: rješenje o lokaciji za izgradnju dvojnog stambenog objekta broj Up.08-352/00-714 od 21.06.2000; urbanističko-tehničke uslovice isti broj i datu, rješenje o izdavanju elektroenergetske saglasnosti broj 4301-2813 od 28.03.2001 godine, izdato od strane JEP "Elektroprivreda Crne Gore - Nikšić" - Sektor za distribuciju Podgorica, saglasnost na projekat vodovoda i kanalizacije broj 9728 od 11.12.200. godine



## UGOVOR O KUPOPRODAJI NEPOKRETNOSTI

Zaključen dana 07.06.2002. godine u Podgorici, između sledećih ugovornih strana:

1. Bešlić Mahmuta iz Podgorice, kao prodavca, (u daljem tekstu prodavac),
2. Djukanović Vasilije i Dedeić Zorice iz Podgorice kao kupci (u daljem tekstu kupci)

### Član 1.

Prodavac prodaje, a kupci kupuju stan br.13 površine 47m<sup>2</sup> i stan br.14 površine 79m<sup>2</sup> na drugom spratu kolektivnog stambenog objekta koji se nalazi na katastarskoj parceli br.2090/1081 po listu nepokretnosti br.6468KO Podgorica III, PD 33 i PD 17, u ulici Aerodromskoj br.2 Podgorica.

### Član 2.

Kupci kupuju stanove bliže označene u članu 1 ovog ugovora za cijenu od 70.560 evra što su dužni isplatiti na dan potpisivanja i ovjere ovog Ugovora kod Osnovnog suda u Podgorici.

### Član 3.

Prodavac se obavezuje da obezbjedi svu neophodnu dokumentaciju za uknjižbu prava svojine kod Direkcije za nekretnine-Područna jedinica Podgorica.

### Član 4.

Prodavac jamči kupcima da su predmetni stanovi isključivo njegovo vlasništvo, da za iste posjeduje urednu dokumentaciju (građevinsku dozvolu i upotrebnu dozvolu), da na istim nema hipoteke i drugih tereta od strane trećih lica, da nije u sudskom sporu, da nije zaključen ugovor o poklonu ili doživotnom održavanju, da nema nikakvih ograničenja u pogledu prava korišćenja i raspolaganja, te da kupci bez njegove posebne saglasnosti na osnovu ovog ugovora mogu izvršiti uknjižbu prava svojine na svoje ime. U

Član 5.

Kupci se obavezuju da na ime kupovine predmetnih stanova snose troškove prenosa vlasništva to jest plaćanja poreza na promet.

Član 6.

Ugovor je sastavljen u 6(šest) jednakih primjeraka, od kojih 2(dva) za prodavca, 1(jedan) za Sud i 3(tri) za kupca.

Član 7.

U slučaju spora nadležan je Osnovni sud u Podgorici.

Prodavac:  
Bešlić Mahmud  
Br. l.k. 6671

Š.Š. 2005 373246 267  
Bešlić Mahmud

Kupci:  
Đukanović Vasilije  
Br. l.k. 9850  
Đedić Zoriča  
Br. l.k. 46819



Republika Crna Gora  
Vlada Republike Crne Gore  
UPRAVA ZA NEKRETNINE

NVO - M A N S -

BROJ: 093/11  
PODGORICA, 22.11.2006.

PODRUČNA JEDINICA  
PODGORICA

Broj: 101-956-11-27697/2006  
Datum: 22.11.2006  
KO: PODGORICA III

Na osnovu člana 110 Zakona o državnom premjeru, katastru i upisima prava na nepokretnostima ("Službeni list RCG" br. 55/2000), postupajući po zahtjevu

MANS  
iz , SL.BR. 956-101-2238/06

izdaje se:

### LIST NEPOKRETNOSTI - PREPIS 6468

Podaci o parcelama									
Broj parcele Broj Podbroj	Broj zgrade	Plan Skica	Datum upisa Broj upisa	Potes ili ulica i kućni br.	Način korišćenja Osnov sticanja	Bon. Klasa	Površina	Prihod	
2090 1081		31 167.89	-	STARI AERODROM	Pašnjak 3. klase		69	0,10	
		31 167.89	-	STARI AERODROM	Dvorište		500	0,00	
	1	31 167.89	-	STARI AERODROM	Porodična stambena zgrada, GRADENJE		350	0,00	
							919	0,10	

Podaci o vlasniku ili nosiocu prava			
Matični broj ili broj i datum upisa	Naziv vlasnika ili naziv nosioca prava Adresa, mjesto	Osnov prava	Obim prava
2005973210261	BEŠLIĆ BAJRAM MAHMUT, UL. SPIRA MUGOŠE BR.23	Svojina	1/1

Podaci o objektima i posebnim djelovima objekta						
Broj parcele Broj Podbroj	Broj zgrade	Način korišćenja Osnov sticanja Sobnost	PD Godina izgradnje	Spratnost - Sprat Površina	Osnov prava Vlasnik ili nosilac prava, JMBG Adresa, Mesto	
2090 1081	1	Stambeni prostor KUPOVINA	17	P2 79	Susvojina DEDEIĆ MIODRAG ZORICA VUKA KARADŽIĆA BR.13	1/2 0803064228014
				P2 79	Susvojina DUKANDVIĆ VASILIE	1/2 6176115119694



2090-1081	1	Stambeni prostor KUPOVINA	33	P2 47	Susvojina DEDEIĆ MIODRAG ZORICA VUKA KARADŽIĆA BR.13	1/2 0803864228014
				P2 47	Susvojina DUKANOVIĆ VASILJE	1/2 6176113119894

**Podaci o teretima i ograničenjima**

Broj parcele Broj Podbroj	Broj zgrade	PD	Redni broj	Način korišćenja	Upis broj Datum upisa Vrijeme upisa	Opis prava
20901081	1		1	Porodična stambena zgrada	1 21.03.2002 :	620 Prekoračenje dozvole PREKORAČENJE DOZVOLE ZA P3:TREĆI SPRAT; P4:ČETVRTI II SPRAT; I PRIPOTKIVANJE/

Taksa je oslobođena na osnovu člana 0 Zakona o administrativnim taksama.


  
 Napelnik: *Veselin Janković*
  
 Janković Veselin, dipl pra

## Ugovor o kupoprodaji stana

Zaključen dana 16.11.2006. godine, u Podgorici, između:

1. Đukanović Vasilije i Dedeić Zorica iz Podgorice, Bulevar Revolucije bb ( u daljem tekstu – prodavci )
3. Milović Zoran iz Ulcinja, ulica Mirka Srzentića bb ( u daljem tekstu – kupac )

### Član 1.

Predmet ugovora je kupoprodaja stana, katastarske oznake PD 33, površine 47 m<sup>2</sup> i stana katastarske oznake PD 17 površine 79 m<sup>2</sup> koji se nalaze u stambenom objektu u naselju Stari aerodrom ul. Aerodromska 2, II sprat, upisani u listu nepokretnosti – prepis 6468 KO Podgorica III, susvojina prodavaca.

### Član 2.

Kupoprodajna cijena predmetnog stana iz člana 1. ovog ugovora iznosi 70.000,00 € ( sedamdeset hiljada eura )

### Član 3.

Kupoprodajnu cijenu kupac je u cjelosti uplatio prodavcima, a što prodavci potvrđuju potpisom ovog ugovora.

### Član 4.

U posjed i uživnje nepokretnosti kupac stupa danom ovjere ovog ugovora kod Suda.

### Član 5.

Prodavci jamče kupcu da su predmetne nepokretnosti njihovo isključivo vlasništvo, stečeno kupovinom a što se utvđuje uvidom u list nepokretnosti – prepis 6468 KO Podgorica III izdat od strane Uprave za nekretnine RCG – Područna jedinica Podgorica.

### Član 6.

Prodavci jamče da predmetna nepokretnost nije opterećena bilo kojim uknjiženim i neuknjiženim teretima.

### Član 7.

Porez na promet nepokretnosti, te ostale takse vezane za kupoprodaju nepokretnosti snosi kupac.

### Član 8.

Kupovinom predmetnog stana kupac stiže i pravo trajnog korišćenja zajedničkih prostorija i uređaja u zgradi u kojoj se nepokretnosti nalaze, u skladu sa pozitivnim propisima.

### Član 9.

Prodavci ovlašćuju kupca da na temelju ovog, potpisanog i ovjerenog, ugovora ishodi uknjižbu prava svojine na stanovima koji su predmet ovog ugovora kao i prava korišćenja predviđenog u članu 8. ovog ugovora bez posebne pismene saglasnosti prodavaca.

### Član 10.

Eventualne sporove povodom ovog ugovora, ugovorne strane pokušaće da riješe sporazumno, u suprotnom ugovaraju nadležnost Osnovnog suda u Podgorici.

### Član 11.

Ugovorne strane su pročitale ovaj ugovor, pa prihvataju prava i obaveze koje iz njega proizilaze, a u znaku prihvata i pristanka na sve što je napisano, svojeručno ga potpisuju.

### Član 12.

Ovaj ugovor sačinjen je u šest primjeraka istovjetnog teksta.

PRODAVCI:

Dukanović Vasilije JMB 0501952210253

Dedeić Zorica JMB 0803064228014

KUPAC:

Milović Zoran JMB *Milović Zoran*

## 4.2. Initiatives to the Administrative Inspection

The process of supervision of work of the institutions competent for inspection control in the field of spatial planning and development included also submitting initiatives to the Administrative Inspection in cases when construction inspections did not react to the initiatives in the time frame defined by law.

### Case Study 11 - Zoran Jokic, construction inspector of the Municipality of Podgorica

After obtaining a confirmation from the Real Estate Directorate that the Mayor of Podgorica, Dr Miomir Mugosa, owned several objects two of which were constructed without construction permit and one exceeding the dimensions defined in the construction permit, MANS submitted an initiative to the Construction Inspection of the Municipality of Podgorica for conducting inspection control over the mentioned objects and requested that the inspection undertake all the measures from the scope of their competences. The case was assigned to inspector Zoran Jokic.

Since the Construction Inspection did not inform us about undertaken activities, which it was obliged to do in compliance with Article 8 of the Law on Inspection Control, MANS submitted an initiative to the Administrative Inspection for conducting inspection over the work of the Construction Inspection in this case.

Podaci o objektima i posebnim djelovima objekta						
Broj parcele Broj Podbroj	Broj zgrade	Način korišćenja Osnov sticanja Sobnost	PD Godina izgradnje	Spratnost - Sprat Površina	Osnov prava Vlasnik ili nosilac prava, JMBG Adresa, Mesto	
60	1	Pomoćna zgrada GRADENJE 1	999	P 11	Svojina MUGOŠA VASO MIOMIR E.KARDELJA 57	1/1 2307950210198
61	1	Porodična stambena zgrada	979	P1 135	Svojina MUGOŠA VASO MIOMIR E.KARDELJA 57	1/1 2307950210198
		Stambeni prostor 20	1 979	P 85	Svojina MUGOŠA VASO MIOMIR E.KARDELJA 57	1/1 2307950210198
		Garaža kao dio zgrade 1	2 979	P 25	Svojina MUGOŠA VASO MIOMIR E.KARDELJA 57	1/1 2307950210198
		Stambeni prostor 3	3 979	P1 110	Svojina MUGOŠA VASO MIOMIR E.KARDELJA 57	1/1 2307950210198
	2	Porodična stambena zgrada GRADENJE	999	P1 101	Svojina MUGOŠA VASO MIOMIR E.KARDELJA 57	1/1 2307950210198
		Stambeni prostor GRADENJE 20	1 715	P 64	Svojina MUGOŠA VASO MIOMIR E.KARDELJA 57	1/1 2307950210198
		Stambeni prostor GRADENJE 4	2 999	P1 64	Svojina MUGOŠA VASO MIOMIR E.KARDELJA 57	1/1 2307950210198
63	1	Pomoćna zgrada 1	979	P 21	Svojina MUGOŠA VASO MIOMIR E.KARDELJA 57	1/1 2307950210198
	2	Pomoćna zgrada 1		P 4	Svojina MUGOŠA VASO MIOMIR E.KARDELJA 57	1/1 2307950210198

Podaci o teretima i ograničenjima						
Broj parcele Broj Podbroj	Broj zgrade	PD	Redni broj	Način korišćenja	Upis broj Datum upisa Vrijeme upisa	Opis prava
60	1			Pomoćna zgrada		610 Nema dozvolu

61	2		1	Porodična stambena zgrada		620 Prekoračenje dozvole PREKORAČENJE DOZVOLE U PUVIŠINI OD 41 CM
			2	Stambeni prostor		610 Nema dozvolu NEMA DOZVOLU ZA GRADNJU ZA PRVI SPRAT

Taksa je oslobođena na osnovu člana 0 Zakona o administrativnim taksama.

Načelnik:  
Janković Veselin, dipl pra

Property certificate confirming that Mugosa object are illegal

Na osnovu čl. 290 i 291 Zakona o opštem upravnom postupku (»Sl.list RCG«, br. 60/03), u postupku inspeksijskog nadzora izvršenog, u Sekretarijatu za planiranje i uređenje prostora – Odjeljenju Gradjevine inspekcije opštine Podgorica, po službenoj dužnosti, upravni inspektor donosi

#### RJEŠENJE

Jokić Zoranu, gradjevinom inspektor u Sekretarijatu za planiranje i uređenje prostora – Odjeljenju Gradjevine inspekcije opštine Podgorica, zbog neblagovremenog i nemarnog vršenja službenih obaveza, koje se odnose na primjenu pravila upravnog postupka, izriče se:

#### UPRAVNA MJERA

novčana kazna u iznosu od 104,50 €.

Iznos novčane kazne imenovani je dužan platiti u roku od 15 dana od dana prijema ovog rješenja, na ziro račun br. 832-1130-08 Budžeta RCG.

Žalba ne odlaže izvršenje rješenja.

#### Obrazloženje

Upravni inspektor Ministarstva pravde, izvršio je 22.08.2006. godine, inspeksijski nadzor, po službenoj dužnosti, povodom inicijative Pavićević Jovanke iz Podgorice, inicijative MANS u Sekretarijatu za planiranje i uređenje prostora – Odjeljenju Gradjevine inspekcije opštine Podgorica, u okviru nadležnosti Ministarstva pravde utvrđene čl. 290 st. 1 Zakona o opštem upravnom postupku (»Sl. list RCG«, br. 60/03), u odnosu na primjenu pravila postupka.

O utvrđenom činjeničnom stanju upravni inspektor sačinio je zapisnik br. 0802-3367/06 od 30.08.2006. godine.

U predmetima (nadzor nad objektom na kat.par. 4134 KO Podgorica III i objektima na tak.par. 60/1 i 61. KO Tolosi) u svojstvu gradjevinog inspektora, postupak je vodio Jokić Zoran.

U zapisniku o inspeksijskom nadzoru, utvrđene su nepravilnosti u odnosu na primjenu pravila postupka Zakona o upravnom postupku i Zakona o inspeksijskom nadzoru.

U odnosu na inicijativu MANS-a, u kojoj je navedeno da se MANS-a obratila Gradjevinom inspekciji inicijativom zavedenom pod br. 363/06-1560 od 5.05.2006. godine, tražeći da se izvrši inspeksijski nadzor nad objektima upisanim u KO Tolosi par. B. 60/1 i 61, vlasništvo Miodira Mugoše, spisi predmeta nису stavljeni na uvid. Obaveza subjekta nadzora da stavi na uvid ispravu i podatke potrebne za vršenje inspeksijskog nadzora propisana je članom 21 Zakona o inspeksijskom nadzoru. Prema izjavi rukovodioca inspekcije, gradjevinom inspektor je izvršio inspeksijski nadzor, ali podnosilac inicijative nije obaviješten, čime je postupljeno suprotno čl. 13 Zakona o inspeksijskom nadzoru.

Iz utvrđenog činjeničnog stanja nesumnjivo proizilazi da Jokić Zoran, gradjevinom inspektor kao ovlašćeno službeno lice, u predmetnim stvarima, nije postupao u skladu sa pravilima postupka, pa je upravni inspektor, primjenom čl. 292 st. 1 tač. 1 Zakona o opštem upravnom postupku, izrekao novčanu kaznu u iznosu od 104,50 Eura, koji iznos predstavlja 30% od zarade, koju je ostvario, prema izvještaju Sekretarijata za finansije Podgorica, br. 05-032/06-1367 od 15.09.2006. godine, za mjesec avgust 2006. godine, u iznosu od 348,30 Eura.

Odluka da žalba ne odlaže izvršenje rješenja zasnovana je na odredbi čl. 40 st. 3 Zakona o inspeksijskom nadzoru (»Sl.list RCG«, br. 39/03).

Pravna pouka: Protiv ovog rješenja može se izjaviti žalba ministru Ministarstva pravde, u roku od 8 dana od dana prijema rješenja.

UPRAVNI INSEKTOR I,

Sonja Čadjenović

In the control procedure initiated by MANS, the Administrative Inspection tried on two occasions to access the documents referring to the activities of the Construction Inspection in the case of the Mayor of Podgorica, but it was prevented both times, with the explanation of the head of the Inspection, Vlatko Vucinic, that the "documents cannot be made available due to the absence of the construction inspector Zoran Jokić".

After obtaining insight in its third attempt into the documents of the Construction Inspection referring to the MANS initiative, the Administrative Inspection found violation of law by inspector Jokić and pronounced him the administrative measure of fine in the amount of 30% of the monthly salary due to untimely and negligent performance of duties.

A criminal complaint was lodged against inspector Jokić and the case is still in the procedure.