

**Constitutional Court Ruling No. 21/2564 (2021)**

Supreme Administrative Court

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Applicant

Respondent

Constitution, section 37 paragraph one and paragraph two;  
Administrative Procedure Act, B.E. 2539 (1996), section 44.

The Land Code did not specifically provide for the steps and period for appealing an administrative order. Therefore, section 44 of the Administrative Procedure Act, B.E. 2539 (1996), applied. The provision stated that a party had to submit an appeal within fifteen days of receiving an order to allow the administrative body to carry out a review and amend the order. This procedure provided a control for reviewing the lawfulness of an administrative act, preventing the exercise of powers arbitrarily by an official, ensuring that the performance of official functions was efficient and delivered fairness to the public. This step was a key prerequisite for the exercise of the right to file a case in the Administrative Courts. Failure to act accordingly would result in a loss of the right to file a case in the Administrative Courts. The provision of section 44 was therefore not relevant and addressed a different issue to the protection of rights in property and succession. The provision was neither contrary to nor inconsistent with section 37 paragraph one and paragraph two of the Constitution.