FIRST SECTION

DECISION

Application no. 38587/06  
Luigi SERINO  
against Italy

The European Court of Human Rights (First Section), sitting on 4 April 2019 as a Committee composed of:

Aleš Pejchal, *President,* Jovan Ilievski, Gilberto Felici, *judges,*

and Liv Tigerstedt, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 22 September 2006,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Luigi Serino, was an Italian national who was born in 1925 and lived in Benevento. He died on 2 January 2009. The applicant’s heirs, Mr Filippo Serino and Mrs Lucia Serino, informed the Court that they wished to pursue the application in the late applicant’s stead and that Mr Filippo Serino had been conferred a general power of attorney by his sister Mrs Lucia Serino to act on her behalf.

The applicant was represented before the Court by Mr S. Ferrara, a lawyer practising in Benevento.

The applicant’s complaint under Article 1 of Protocol No. 1 to the Convention, that the deprivation of his property through the application of the constructive‑expropriation rule (“*accessione invertita*” or “*occupazione acquisitiva*”) by the domestic courts violated his property rights, was communicated to the Italian Government (“the Government”).

On 18 February 2019 Mr Ferrara informed the Registry that the heirs no longer wished to pursue the application before the Court following an out‑of‑court settlement with the Benevento Municipality. He enclosed a signed declaration by Mr Serino to this effect.

THE LAW

In the light of the foregoing, and in the absence of any special circumstances regarding respect for the rights guaranteed by the Convention and the Protocols thereto, the Court, in accordance with Article 37 § 1 (a) of the Convention, considers that it is no longer justified to continue the examination of the application.

Accordingly, the case should be struck out of the list.

For these reasons, the Court, unanimously,

*Decides* to strike the application out of its list of cases.

Done in English and notified in writing on 9 May 2019.

Liv Tigerstedt Aleš Pejchal  
 Acting Deputy Registrar President