

## **ISSUES REGARDING THE ADMISSIBILITY OF THE PRESIDING JUDGE'S ORDER IN CONTENTIOUS-ADMINISTRATIVE LITIGATIONS**

**Author**

**Grațian URECHIATU-BURIAN\***

**ABSTRACT:** *The research aims to clarify the issues regarding the admissibility of the presiding judge's order in contentious-administrative litigations.*

*As we know, the public administration activity is governed by the principle of legality. According to this principle, public authorities operate within the powers given by the law. Therefore the administrative acts issued by central or local government authorities are presumed to be legal. Of course, the presumption is relative.*

*An interesting problem that arose in practice is the following: is the procedure of the presiding judge's order admissible in the contentious administrative litigations? The answer is mostly negative. Thus, in contrast to articles 996-1001 from the Civil Procedure Code, the Law no. 554/2004 provided for a specific/special procedure to annul an administrative tool, to adjourn or to order the public authority to issue an administrative act. In an exceptional way, the presiding judge's order can be used in order to remove abusive facts.*

*Taking all of the above into consideration, the practice of the courts does not provide a common point of view. Thus, some courts consider that the request of the presiding judge's order in the administrative contentious litigations is admissible and others consider such a request as being de plano, inadmissible.*

**KEY WORDS:** *Contentious-administrative litigations, presiding judge's order, Civil Procedure Code, adjournment, inadmissibility, public authority.*

**JEL CLASSIFICATION:** *K23, K4, K41*

---

\* Student, Business Law – Master Program, Faculty of Law Cluj-Napoca, “Dimitrie Cantemir” Christian University Bucharest, ROMANIA.