

EVALUATION OF LAND CONSOLIDATION WORKS IN TERMS OF LEGAL RESULTS: THE CASE OF ADANA PROVINCE, TURKIYE

Ahmet MERT¹, Şinasi AKDEMİR², Derviş ÖNEN³

¹Adana 2 Administrative Court, Adana, Türkiye, E-mail: ahhilmert@gmail.com

²University of Cukurova, Department of Agricultural Economics, 01330, Adana, Türkiye,
E-mail : sinasi.akdemir@gmail.com

³The 6th Regional Directorate of State Hydraulic Works, (DSI), Yüreğir District, Adana Province, Türkiye, E-mail: dervisonen@gmail.com

Corresponding author: ahhilmert@gmail.com

Abstract

Land consolidation is the rearrangement of small, fragmented, and scattered land owned by agricultural enterprises. The data of the research was collected from the lawsuit files related to the land consolidation works carried out in Yüreğir district of Adana province on 23/11/2012, records of the 6th Regional Directorate of State Hydraulic Works (DSI) which carried out the consolidation and academic studies related to the subject. It is aimed to use less time, labour, and capital, increase agricultural production and productivity, and raise living standards. However, it is important to ensure satisfaction of farmers to provide these benefits. This study evaluated the problems caused by land consolidation from a legal point of view. This research found that the number of parcels of enterprises decreased, the size of the parcels increased, and the parcels received road, water, and drainage services. However, a significant number of producers were not satisfied with the land consolidation and filed lawsuits in the administrative courts. This study revealed that attentive consolidation and careful use of authority can increase satisfaction and prevent unnecessary busying of the courts, saving time and expense.

Key words: land consolidation, politics, Turkey

INTRODUCTION

As the world's population continues to increase, the demand for food also increases in parallel. However, since it is not possible to increase the agricultural land that provides food, it is important to use this limited resource effectively. Therefore, it is necessary to increase productivity in agricultural production on limited agricultural land to meet the demand for food.

Agricultural activities are the most basic economic activity required for human survival. One of the world's main problems is the inability to expand agricultural land despite rapid population growth. This problem is more serious in developing countries like our own. The source of the problem lies in the fact that the constant increase in population is not matched by a corresponding increase in land availability, and in fact, land availability is decreasing. Since it is not possible to increase the amount of land that can be used for agriculture in parallel with population

growth, ways and methods that will enable more productivity to be obtained from existing agricultural land, which can be considered limited, must be found [13] It is of great importance to manage the agricultural land in a way that will provide the highest yield in order to meet the needs of the increasing population [12].

The constant fragmentation and uneven distribution of land disrupt income distribution and cause waste of resources in agricultural production, negatively affecting the national economy [19]. Land consolidation studies are carried out in agricultural areas to improve and develop production and working conditions, ensure productivity and continuity in agricultural production. The best measure that can be taken to improve the agricultural structure and prevent land fragmentation is land consolidation [16]. The primary goal of consolidation studies is to develop agriculture, increase the quantity and quality of agricultural products, economize the labour

force in agriculture, and ultimately increase the net income of agricultural enterprises [3]. Land consolidation is not only the consolidation of scattered lands but can be defined as making all necessary improvements in all branches of agriculture to achieve maximum yield per unit area and increase labor productivity, and taking all technical, social, and cultural measures that will raise the standard of living of farmers [1]. From a broad perspective, land consolidation involves not only the geometric arrangement of fragmented and irregularly shaped lands but also the creation of a road network in agricultural land to facilitate irrigation, drainage, land levelling, soil conservation, and rehabilitation for increasing the yield per unit area, determining village renewal areas, and preparing village development plans to improve the living environment of farmers, and improving rural landscapes and environments [15].

Land consolidation is carried out to rearrange the small, fragmented, and scattered lands owned by agricultural enterprises according to modern agricultural management, to provide less time, labor, and capital usage, to increase agricultural production and the efficiency of agricultural enterprises by utilizing production factors in the best way, and to raise the living standards of the rural population. From the perspective of farmers, land consolidation has several positive outcomes, including the resolution of property problems, obtaining independent or fewer shares of parcels, parcel enlargement, easier implementation of agricultural techniques and irrigation methods, reduction in the number of parcels, increase in parcel size, access to roads and canals, decrease in distance between the enterprise center and the parcels, and an increase in irrigation rates and yields, and the provision of social peace. However, it is of great importance to ensure the satisfaction of farmers to achieve these expected benefits from the consolidation. In our country, the satisfaction level of farmers is decreasing due to some erroneous and careless practices in land consolidation, which hinders the expected benefits from consolidation.

The success of land consolidation projects increases when the desires of farmers are fulfilled, and sustainable farm size is maintained. Land consolidation projects can reduce migration from rural to urban areas. Therefore, land consolidation projects should be revised in line with the opinions of farmers [4].

In our country, land consolidation practices have a series of positive outcomes such as decreasing the number of parcels and increasing the average farm size and parcel size, providing parcels with road, water, and drainage services, and increasing agricultural production and yield. However, a significant proportion of producers are dissatisfied with the land consolidation practices carried out, and therefore, they file lawsuits in administrative courts. The majority of these lawsuits are based on claims that parcels were not allocated from the desired location or actual usage area, independent or less-share allocations were not made, property problems were created, fragmented and scattered allocations were made, equivalent allocations were not made, problems were encountered with neighboring parcels, and allocations were made from areas without access to roads or water. A significant portion of these lawsuits are resolved in favour of the producer. With careful attention and proper use of authority in consolidation, these negative situations can be eliminated, the satisfaction of farmers with consolidation can be increased, and unnecessary court battles and use of court resources can be avoided, resulting in time and cost savings.

The purpose of this study is to identify the problems that arise in land consolidation practices, evaluate these problems from a legal perspective, and propose solutions for more effective and efficient provision of expected benefits from consolidation.

Purpose and scope of land consolidation in Türkiye

The fragmentation, dispersion, and irregularity of agricultural land hinder agricultural activities, reduce production, and cause land degradation. This situation not only leads to resource waste but also requires serious economic investments to correct the

problems it creates. In this context, countries need to take some measures to protect their existing agricultural areas and ensure their effective and sustainable use to improve the living standards of the rural population [9]. Land consolidation studies, which are among the rural area regulation activities, come first among these measures [16].

Land consolidation aims to combine small and fragmented plots of land, achieve a good yield per unit area, improve the quality of agricultural products, increase labor productivity, raise net income of agricultural enterprises, and provide all technical, social, and cultural opportunities that will raise the farmer's living standards and welfare [1]. Land consolidation is an important tool for improving agricultural production efficiency and supporting rural development [17].

In the project area where land consolidation is carried out, the number of parcels decreases, the net land use area and parcel size of the enterprises increase, and parcel shapes are organized. With the implementation of the consolidation project, the number of parcels decreases by approximately 40%, and an average of 80% increase in parcel sizes is achieved [18]. Land consolidation practices result in larger parcels and more regular geometric shapes of parcels. Thus, all parcels benefit from irrigation, road, and drainage networks, and production reaches the highest level.

Through land consolidation, agricultural productivity is increasing, and crop diversity is being achieved. All farmers will benefit equally from physical facilities such as roads, irrigation, and drainage channels. If there is a problem with land ownership in the area, these issues are resolved, and the existing cadastre is updated. As all plots directly benefit from roads and irrigation channels, problems with roads and water between farmers are prevented. This will positively impact social harmony in rural areas by preventing serious disruptions that have occurred in irrigated areas. Land consolidation should not be seen solely as an application for agricultural activities. Consolidation projects are also of great importance in solving the socio-economic problems of rural areas, as

well as for agricultural activities. Land consolidation is also intended to improve the working conditions of the rural population and create a multi-dimensional rural area that will slow down migration from villages to cities. The consolidation process also makes a significant contribution to the protection of historical and cultural areas. The possibility of creating job opportunities that will keep young people in the village is being created. Land consolidation also prevents the occupation of pasture lands, private lands, and state lands.

According to the Agriculture Reform Law on Land Regulation in Irrigation Areas No. 3083, consolidation aims to cultivate land in a productive manner, protect and maximize economic yields, ensure sustainable agricultural production, and increase employment opportunities. State-owned lands are used to establish agricultural family businesses for those who do not have enough land or who are landless. The law also aims to prevent fragmentation and shrinking of agricultural land that is not sufficient for a family's livelihood and utilization of labor force. The Agriculture Reform Law on Land Regulation in Irrigation Areas No. 3083 Implementation Regulation, which is based on this law, emphasizes the same issues, and sets out the principles and procedures for consolidation, as well as how land classification should be carried out.

Land consolidation works include the following:

- Combination of excessively fragmented and dispersed lands according to modern management principles,
- Construction of field road network, irrigation facilities and surface drainage system,
- Necessary land levelling and soil reclamation,
- Reorganization of village locations and environmental planning,
- Protection of rural areas, preservation of natural life, and regulation of green areas,
- Taking necessary measures to protect settlements and land in rural areas from natural disasters such as wind and water erosion, flood,

Rehabilitation and reorganization of agricultural enterprises and taking necessary measures to ensure their efficient operation, Organization of village roads, planning of services such as drinking water, sewage, electricity, and telephone, and covering operations such as settlement and land requests.

Benefits of land consolidation works

Land consolidation provides many direct and indirect physical, economic, and social benefits in rural settlements. The main benefits identified from these are listed below in terms of items.

- 1- Elimination or reduction of partition status in parcels,
- 3- Prevention of fragmentation and division in agricultural land (due to the inability to partition below the areas specified by laws),
- 4- Construction of field development services such as road, irrigation canal, drainage, infrastructure works, and environmental planning,
- 5- Avoiding economic burden in projects carried out for the public interest without expropriation,
- 6- Identification of pasture areas, their consolidation, and creation of access roads to pastures to protect and develop animal husbandry,
- 7- Implementation of stream rehabilitation works,
- 8- Arrangement of stone collection and levelling in agricultural areas,
- 9- Cadastral renewal,
- 10-Providing the opportunity for boundary correction in fixed facilities built on erroneous boundaries over time,
- 11-Providing economic savings and preventing social problems by ensuring that each parcel has access to roads and keeping road networks short,
- 12-Increasing production and yield,
- 13-Saving time and labour by directing towards mechanization,
- 14-Facilitating irrigation by constructing irrigation canals,
- 15-Separation of settlement areas and agricultural areas,
- 16-Preventing occupation of pastureland,

- 17-Distributing treasury lands fairly to increase the population engaged in agriculture and prevent landowners from dominating,
- 18-Updating property information,
- 19-Contributing to valuation with rating maps,
- 20-Increasing regional prosperity,
- 21-Delimitation of village boundaries,
- 22-Being more economical compared to another cadastre works in general overview,
- 23-Displaying boundaries in the field without being subject to payment by handing over the place,
- 24-Inclusion of areas outside registration in the cadastre,
- 25-Preventing snowmelt from causing flooding in the spring and determining the direction of water flow by designing drainage channels, preventing it from flowing,
- 26- Reorganization in military zones to prevent security vulnerabilities.
- 27- Proper evaluation of decreasing water resources.
- 28- Correction of discrepancies in land registry and cadastral maps, such as areas that do not match or exceed the boundary limits.
- 29- The awareness of heirs who have been separated from their lands for various reasons in villages for many years, and their participation in land consolidation projects [10, 6, 15, 11].

Reasons for land consolidation in Türkiye

One of the most important problems in the agricultural sector in Turkey is that enterprises have a fragmented and scattered ownership structure [14]. Agricultural land in our country has shrunk and been fragmented for various reasons, with productivity and profitability far below what they should be. The decrease in farm size makes it impossible to practice economically viable agriculture [18, 3]. In addition, due to inheritance, agricultural enterprises are divided, increasing in number, and moving away from economic scale [7]. Agricultural enterprises in our country are fragmented and not large enough. The amount of land on which producer-based enterprises carry out their production activities is limited and scattered across numerous small parcels, making it difficult to

construct stable businesses and achieve the expected production performance [5].

In Turkey, problems such as land scarcity and uneven distribution of land ownership, small, fragmented, scattered, and irregular parcels increase investment costs, labor, and time requirements in the production system [21]. One of the most important tools for improving the shrinkage, fragmentation, and irregularity of agricultural land has been land consolidation [18, 3].

Studies have shown that a farmer in Turkey has about six different parcels of land with varying sizes and characteristics. Those who own only one parcel have the lowest rate at 9.46%, while those with 2-9 parcels have a rate of 70.84%, and those with more than 10 parcels have rates of 19.70%. Farmers engaged in agriculture are divided into approximately 4,000,000 parcels. Due to the high costs associated with managing fragmented land, high yields cannot be achieved. This is because healthy farming cannot be carried out on different parcels with different locations, sizes, qualities, and shapes. As a result, the desired yield cannot be achieved [14, 8].

Among the basic problems of agriculture, "agricultural structural disorder," also known as "agricultural entity disorder," comes first. This problem makes it difficult to take measures to increase productivity, so "structural regulation in agriculture," also known as "agricultural entity improvement," gains importance. In addition to the inadequacy of agricultural enterprises' land in our country, the fact that existing lands are scattered into small pieces without an effective transportation and irrigation network leads to a bigger problem [6].

In response to this situation, in our country, land consolidation practices aim to reduce parcel numbers and increase parcel areas, eliminate ownership problems, and bring them into square and rectangular shapes that facilitate the application of modern agricultural techniques while minimizing the loss of land. With consolidation, parcels will not only grow but also have improved shapes, ensuring that all parcels are connected to the irrigation network, and increasing the

irrigation rate [20]. Land consolidation will also facilitate the construction of irrigation, drainage, and transportation networks. Parcel shapes, parcel access, and the topographic structure of the parcels will improve after consolidation, increasing the irrigation rate and irrigation efficiency accordingly. In the irrigation projects carried out together with land consolidation studies, land losses, common facility participation fees, and irrigation and transportation lines passing through parcels will be distributed equally to all parcels in the field, eliminating the need for expropriation. Access to all parcels will be provided [12].

It is planned to consolidate approximately 14 million hectares of agricultural land in Turkey that can be implemented under the Land Consolidation project until 2023. Of this area, 8.5 million hectares are irrigated areas, and 5.5 million hectares are dry farming areas. As of 2009, a total of 1,115,000 hectares of agricultural land were completed under the Land Consolidation projects by the Mülga Topraksu, Mülga Village Services General Directorate, and Agricultural Reform General Directorate. Between 2010 and 2014, 5,700,000 hectares of agricultural land were consolidated by the Agricultural Reform General Directorate [13]

MATERIALS AND METHODS

The data of the research was collected from the lawsuit files related to the land consolidation works carried out in Yüreğir district of Adana province on 23/11/2012, records of the 6th Regional Directorate of State Hydraulic Works (DSI) which carried out the consolidation and academic studies related to the subject. First, the literature on land consolidation was created, then records of the land consolidation works carried out on 23/11/2012 in Yüreğir district of Adana province were examined comparatively in terms of the status of the immovables before and after the consolidation, the size of the operation, the number of parcels, the ownership status, and so on, based on the records of the 6th Regional Directorate of DSI. Then, the scope and content of the

problems encountered in the land consolidation application were revealed through the court decisions given in the lawsuits opened by determining how many of them were subject to litigation, and evaluations and recommendations based on this data were made.

RESULTS AND DISCUSSIONS

The data obtained from the 6th Regional Directorate of State Hydraulic Works in

Adana province, Yüreğir district on 23/11/2012 regarding the land consolidation is as follows:

The Yüreğir Plain, covering an area of 28,257 hectares and 21 neighborhoods in Adana province's Yüreğir district, was included in the Yüreğir Ovası 1st Phase Land Consolidation and Irrigation Project on 23/11/2012, and the project was completed on 10/03/2021. (Figure 1, Table 1)



Fig. 1. Map and Information on Villages Subject to Consolidation in Yüreğir District, Adana Province
 Source: Records of the 6th Regional Directorate of State Hydraulic Works [20].

In Yüreğir district, a total of 28,405 hectares of land was consolidated by including 21 villages with a total area of 36,090 hectares in the project area.

As a result of consolidation, the number of blocks was organized as 1,707, with a block area of 27,134 hectares. It was observed that the number of parcels decreased from 9,549 before consolidation to 7,125 after consolidation (Table 1).

Thus, the number of parcels decreased by 25.4%, while the average parcel width before consolidation was 2.97 hectares, and after consolidation, it increased by 34.0% to 3.99 hectares.

These figures vary by village. For example, in Araplar Village, the average parcel width increased by 105.2% from 3.46 hectares to 7.10 hectares after consolidation (Table 2).

Table 1. Area and Parcel Information by Villages in the 1st Phase Consolidation in Yüreğir District, Adana Province

Province	County	District	Settlement area	Project area area	Total Block area	Block Number	Parcel Numer	Before	After
Adana	YÜREĞİR	ABDİOĞLU	3.590	3521.62	3.403	152	838	562	1,9
Adana	YÜREĞİR	AĞZIBÜYÜK	772	766.38	737	37	276	188	2,8
Adana	YÜREĞİR	ALİHOICALI	1.030	967.45	930	79	640	379	1,7
Adana	YÜREĞİR	ARAPLAR	1.096	1094.92	1.051	62	318	154	2,3
Adana	YÜREĞİR	CAMİLİ	2.305	2142.48	2.090	111	918	458	0,6
Adana	YÜREĞİR	ÇOTLU	1.747	1.690.14	1.608	116	535	586	4,1
Adana	YÜREĞİR	DAĞCI	551	459.84	438	24	325	193	2,8
Adana	YÜREĞİR	DEDEPINARI	2.123	2107.01	2.025	66	419	272	2,4
Adana	YÜREĞİR	GEMİSURA	1.267	1178.23	1.136	63	338	236	1,7
Adana	YÜREĞİR	GÖKVELİOĞLU	608	536.79	503	47	182	201	3,1
Adana	YÜREĞİR	HAVRANIYE	4.521	3449.80	3.295	172	858	797	0,7
Adana	YÜREĞİR	HEREKLİ	547	521.83	497	49	209	163	2,8
Adana	YÜREĞİR	İNNAPLI	1.538	802.66	1.414	74	617	327	2,2
Adana	YÜREĞİR	İNCİRLİK	1.410	1464.45	747	56	221	188	1,3
Adana	YÜREĞİR	İSMAILİYE	1.470	1115.03	1.072	89	492	296	2,8
Adana	YÜREĞİR	KAPULU	2.120	2050.47	1.935	100	347	343	2,7
Adana	YÜREĞİR	MİSİS	3.327	935.67	895	58	327	304	2,2
Adana	YÜREĞİR	NACARLI	990	647.05	608	34	248	229	2,6
Adana	YÜREĞİR	SULUCA	2.638	1027.13	973	43	256	237	2,0
Adana	YÜREĞİR	YÜREKLİ	1.059	1005.13	950	63	660	402	2,9
Adana	YÜREĞİR	ZİYANLI	1.381	921.86	827	109	525	610	2,3
Adana	YÜREĞİR	KÜTÜKLÜ				38			
Adana	CEYHAN	KIZILDERE				65			
TOPLAM			36.090	28.405	27.134	1.707	9.549	7.125	

Source: Records of the 6th Regional Directorate of State Hydraulic Works [20].

Table 2. Change in Parcel Width in Araplar (Sağdıçlı Village) after Consolidation

Average parcel area	Before (Hectare)	3.46
	After (Hectare)	7.1
	Increase (Percent)	105.2

Source: Records of the 6th Regional Directorate of State Hydraulic Works [20].

Through consolidation, a total of 482,959 km of road construction and 385 road crossings were made, with 226,673 km being 4 meters wide and 256,286 km being 6 meters wide, and 6,716,191.12 m³ of levelling work was completed. There are a total of 2,169 farmers in the Yüreğir district. Before consolidation, the average number of parcels per farm was 4.4, but after consolidation, it decreased by 25.4% to 3.28 parcels per farm. The decrease in the number of parcels per farm will contribute to a decrease in farm costs [13].

Objections and lawsuits against land consolidation in Yüreğir District

Regarding objections and lawsuits filed against land consolidation in the Yüreğir district, many benefits, such as reducing the number of parcels and increasing the average parcel size, resolving ownership issues, and providing access to transportation, roads, and drainage services, were found in both our research and other academic studies [2]. Research has been conducted on the

satisfaction levels of producers with consolidation and the factors that affect their satisfaction. In a country where land is considered sacred, even a single change to a person's property rights through consolidation is of great importance, and careless and improper practices in this regard can create many legal problems. However, studies in Turkey have not taken this aspect of the issue into account. After land consolidation, some farmers in villages objected to the consolidation, and these objections were not taken into sufficient consideration, resulting in serious problems that are difficult to remedy and reducing the expected benefits of consolidation. Incorrect, incomplete, and careless practices make it difficult for farmers to accept consolidation and lead to a decrease in their satisfaction levels. These problems are raised among farmers, but due to reasons such as their education and consciousness, financial constraints, and feeling powerless against public authority, they have difficulty expressing their dissatisfaction and seeking legal action. Despite this situation, a significant number of objections were raised, and lawsuits were filed due to the failure to address these objections.

According to our research, the objections raised by farmers were examined under

main headings and information was provided about the lawsuits filed:

(1) Objections to land consolidation in Yüreğir District

The objections raised by farmers regarding the land consolidation carried out on November 23, 2012, in Yüreğir district of Adana province, obtained from the 6th Regional Directorate of the State Hydraulic Works (DSİ), are summarized below:

(a) The objections raised by farmers about land allocation and distribution (parcelling) are among the primary objections. Some of the main objections regarding parcelling include failure to provide equivalent land allocation, allocation of completely independent or less joint/shared land, failure to take into account fixed facilities in allocation, failure to allocate land from its original location, failure to consider actual usage status in allocation, allocation of land in remote locations, insufficient land allocation, allocation of steep, unsuitable for cultivation, dry stream beds, rocky areas, etc.

(b) Objections related to the shape and structure of the parcel, such as the parcel shape not being suitable for agricultural production, the parcel not being in a rectangular shape, and the length-to-width ratio not being appropriate.

(c) Some landowners have requested that their properties not be included or be excluded from the consolidation scope.

(d) Objections to land grading; that the land classification was incorrectly determined that soil analysis was not done thoroughly or carefully enough during grading, that the sample taken did not represent the entire land, that the soil index score was incorrectly determined due to insufficient sample numbers and depths.

(e) Objections related to public lands, such as the request for the continuation of the rights of the owners who obtained the right to purchase the properties belonging to the Treasury due to actual usage, the request for exchange with pasture lands, and the request for the purchase of Treasury properties on which investment has been made.

(f) Objections related to common areas of public use, such as objections to not cutting the common use share or cutting it less.

(g) Objections related to neighbouring properties, such as the desire to be neighbours with relatives or desired persons or the objection to being neighbours with certain people.

(2) Lawsuits Filed Regarding Land Consolidation in Yüreğir District

It was observed that while some of the objections raised by farmers regarding the land consolidation carried out on November 23, 2012, were considered by the administration and some corrections and changes were made, a significant portion of these objections were subject to lawsuits filed by farmers. It was also observed that significant numbers of farmers were given favourable decisions in these lawsuits. Out of the 15 cases examined in our study, 60% (9 cases) were concluded in favor of the farmers. These decisions are summarized along with their justifications and results below:

(a) In the case filed by the plaintiff regarding the cancellation of the land consolidation process carried out in the area where the immovable property numbered... is located in the district of Yüreğir in the Adana province, it is stated that although the Public Joint Use Share (PJUS) ratio was calculated as 0.016862000 in the consolidation process subject to the lawsuit, it was seen that this ratio remained below the 10% limit prescribed by the law, and while it was possible to preserve the boundaries of the subject property in its old location, there was no technical, legal, or factual necessity to change its boundaries, and in addition, with regard to the fixed facilities located in the subject property; it was stated that the construction permit dated 24/02/2012 was available, the occupancy permit was issued on 20/08/2014, and according to the land registry records dated 17/12/2014, the nature of the property was specified as a 3-storey concrete chicken house and field, and it was seen that, within this scope, it was necessary to give the owners of the enterprise structures and facilities and permanent fixtures such as vineyards and gardens in the consolidation area, to the extent

possible, but it was observed that the fixed facility in the subject property was allocated from a different area to the plaintiff during the distribution process, and thus, it was understood that the consolidation process carried out on the parcel in question was established in violation of the purpose and principles of Law No. 3083 by taking into account such issues as land structure, soil characteristics, parcel properties, current land use status, grading map, old ownership map, and therefore, there is no legality in the consolidation process subject to the lawsuit on the parcel in question, as stated in the decision dated 04/11/2021 and numbered E:2020/1077 K:2021/1556 of the Adana 2nd Administrative Court, which was confirmed by the decision dated 18/03/2022 and numbered E: 2021/2330, K: 2022/1025 of the Adana Regional Administrative Court 1st Administrative Trial Department.

(b) In the case filed by the plaintiff for the cancellation of the land consolidation process carried out in the area where the immovable property numbered... is located in the district of Yüreğir in the Adana province, which is jointly owned by the plaintiff, it was stated that it was found out that the plaintiff's fixed facility (garden) was not taken into account during the consolidation process, which was carried out in a way that would be contrary to the legislation provisions and land consolidation principles, and it was understood that the soil score was calculated incorrectly by giving a score of 0 (zero) in violation of the technical instruction, and therefore, it was concluded that there was no legality in the consolidation process for the parcels in question, as stated in the decision dated 21/09/2021 and numbered E:2020/1564, K:2021/914 of the Adana 1st Administrative Court, which was confirmed by the decision dated 03/03/2022 and numbered E: 2021/2203, K: 2022/814 of the Adana Regional Administrative Court 1st Administrative Trial Department.

(c) The case concerns a lawsuit filed by the plaintiff who is a co-owner of a property located in the Yüreğir district of Adana province, in the ... neighborhood, on the parcel number ... (new ... parcel) against the

land consolidation process carried out on the said property. According to the information and documents in the case file, along with the expert report, it was determined that the KYPKO value of the property, which is owned by the plaintiff as a co-owner, was 0.007503 in the consolidation process carried out on the property, and it was concluded that the legal limit of 10% was not exceeded and thus, the determination of the KYPKO value was in accordance with the legislation. It was also found that there was no garden on the land in question in 2015, 2016, and 2017, and new garden constructions had started in certain areas of the land in 2018. The garden area identified during the survey of the land was confirmed to be made by the plaintiff. The consolidation process on the land in question began on a certain date with a certain decree and was completed with the registration to the land registry on another date. It was also determined that the plaintiff and his/her sibling's fixed asset areas were located on the ... cadastre parcels, which were allocated to them by the consolidation process, as well as on the ... parcel and ... cadastre parcel, and the provisions of the legislation were complied with regarding the allocation of the zoning parcels on these areas to the plaintiff and his/her sibling, while protecting the fixed asset areas. However, it was also concluded that although the plaintiff accepted to have made the garden area on the ... parcel after the fixed asset protocol was signed, the registration of the consolidation process was done almost 2 years after the garden construction, and the allocation of the ... parcel, where the plaintiff did not have any share, and the allocation of the garden on the ... parcel, where other people's structures existed, caused a property problem for the plaintiff. Therefore, the land consolidation process on the property in question was found to be against the legislation and the lawfulness of the process was found to be unfounded. The decision of the Adana 1st Administrative Court dated 29/06/2021 with the file number E:2019/1364, K:2021/717, which ruled the annulment of the consolidation process, was upheld by the Adana Regional Administrative Court 1st Administrative Trial Department

with the decision dated 02/02/2022 and the file number E:2021/1849, K:2022/292.

(d) In the lawsuit filed by the plaintiff, who is the owner of the immovable properties numbered ..., ..., and (new ..., ..., and ... parcels) in the Yüreğir district of the Adana province, regarding the cancellation of the land consolidation process carried out in the area covering the immovable properties, "it is concluded that there has been a violation of relevant legislation and the principles and objectives of the consolidation process in terms of creating parcels with a geometric shape that would limit agricultural activities such as cultivation, planting, irrigation, fertilization, and spraying for the parcel numbered ..., which is currently vacant and used as a field, due to its geometric shape, and in terms of not taking into account the citrus orchard with a fixed facility on the parcel numbered ..., which is entirely a fixed facility in the consolidation process despite the absence of any technical, legal, or practical necessity, and in terms of assigning a total of 102,471.56 m² of land allocated to the plaintiff after deduction of the Public Joint Use Share (PJUS) and taking into account the parcel conversion coefficients, in a location approximately 3.9 km southeast of parcel ... where the plaintiff has no property rights, in the area that may lead to property disputes, in cooperation with the Treasury Department, on the parcel numbered ..., block ..., resulting in the plaintiff being assigned a share of 1,783.94 m² from the earnings obtained from parcel numbered ..., it is understood that there has been a violation of relevant legislation and the principles and objectives of the consolidation process; it is concluded that there is no compliance with the law regarding the immovable properties numbered ..., ..., and ..., and that compliance with the legislation and the objectives and principles of consolidation has been followed regarding the distribution of the share on parcel numbered ..., and therefore, the request for the annulment of the process in question regarding the immovable properties numbered ..., ..., and ... is accepted, and the request for the annulment of the process regarding the immovable property numbered ... is rejected,

according to the decision dated 22/01/2021 and numbered E:2019/830, K:2021/162 of the Adana 2nd Administrative Court, which was upheld by the Adana Regional Administrative Court, 1st Administrative Law Department, in the decision dated 24/12/2021 and numbered E:2021/693, K:2021/2755.

The lawsuit concerns the cancellation of a land consolidation process carried out on immovable properties located in Yüreğir district of Adana province, Turkey. The court concluded that there had been violations of relevant legislation and the principles and objectives of the consolidation process. The court accepted the request for the annulment of the process in question regarding some immovable properties but rejected the request regarding one of the immovable properties. The decision of the Adana 2nd Administrative Court dated 22/01/2021 and numbered E:2019/830, K:2021/162 was upheld by the Adana Regional Administrative Court, 1st Administrative Law Department, in the decision dated 24/12/2021 and numbered E:2021/693, K:2021/2755.

(e) In the lawsuit filed by the plaintiff who was designated as a joint shareholder in parcel number ... as a result of the consolidation of his shares located within the boundaries of ... neighborhood, Yüreğir district, Adana province, requesting the separate delivery of his shares in the said parcel as a single piece, against the rejection of the application by the State Hydraulic Works General Directorate 6th Regional Directorate with the decision numbers ... and ..., it is understood that the consolidation process caused a property issue for the plaintiff and his spouse in the parcel number ... which was formed to have a total area of 94,422.93 m² (real area) by allocating it to 5 people, along with the shares coming from the parcels they owned before the consolidation process, totaling 25,949.98 m², without any technical, legal, or factual necessity. Therefore, the administrative court of Adana decided to annul the aforementioned decision with reference to the relevant legislation and unlawful act in terms of this matter on the property in question in its decision numbered 2019/210 E. and 2020/493 K. dated 04/06/2020. This decision was

upheld by the Adana Regional Administrative Court 1st Administrative Trial Department in its decision numbered 2021/162 E. and 2021/1991 K. dated 26/10/2021.

(f) In the lawsuit filed against the decision of the State Hydraulic Works General Directorate 6th Regional Directorate to reject the plaintiff's application for the correction of the consolidation process and the parcel owned by it, located in the area of parcel number ..., in Adana province, Yüreğir district, ... neighborhood, within the scope of the Adana, Yüreğir Plain 1st Part Irrigation and Land Consolidation Project, by the plaintiff's attorney, it is argued that the consolidation process caused a significant loss of rights for the plaintiff due to the allocation of parcels created outside the area where the citrus garden, a fixed facility of the plaintiff, was located from parcel number ... which had no technical, legal, or factual necessity for the allocation, and the allocation of parcel number ... located in the said citrus garden area to other shareholders of parcel number ... who were his co-owners. Therefore, it is claimed that the consolidation process and the decision rejecting the objection to this process are contrary to the purpose and principles of the consolidation process and unlawful in terms of the distribution of the plaintiff's share in parcel number The administrative court of Adana decided to annul the decision with reference to these claims in its decision numbered 2019/125 E. and 2020/150 K. dated 04/02/2020. This decision was upheld by the Adana Regional Administrative Court 1st Administrative Trial Department in its decision numbered 2020/791 E. and 2021/932 K. dated 27/04/2021.

(g) The case was filed by the attorney of the plaintiff, regarding the cancellation of the consolidation process and the implicit rejection of the application made on the date of... regarding the consolidation process registered with the transaction number... with the consolidation process carried out in the area where the immovables with the old parcel numbers in ...Village of Yüreğir District in Adana Province, which is owned by the client. It is stated that the plaintiff, who had a total area of 210,221.27 square meters

in parcel number... in ... island, became a co-owner with a person named ... and he had the right of ownership in parcel number... alone before the consolidation process, and in return for his entitlement from parcel number... according to the parcel indexes in the consolidation process, he had the opportunity to allocate the entire 197,441.48 square meters of land allocated to him independently. It is seen that there was no technical, legal or actual necessity in the consolidation process in question, and that a property problem was caused by allocating the plaintiff shares, and it was concluded that the consolidation process in question was contrary to Article 16/1-(b) of the Land Consolidation and Field Development Services Implementation Regulation and the law. On the other hand, it is stated that while the citrus orchard of 3,627.29 square meters on parcel number... belonging to a person named ... was given to the plaintiff as a result of the consolidation process, 1,257.00 square meters of the citrus orchard on parcel number... belonging to the plaintiff were given to ... person. Therefore, it was observed that there was no loss of rights for the plaintiff, as approximately 1,257.00 square meters of the citrus orchard in the area where parcel number... was located was allocated to ... person, and it was concluded that the area where the citrus trees were located on the immovable property with the old parcel number... could not be registered as a separate parcel for another person due to this reason. Therefore, the Adana 1st Administrative Court's decision on the implicit rejection of the application made on the date of... regarding the consolidation process and the cancellation of the consolidation process for the plaintiff parcel was rejected. The decision was upheld by the Adana Regional Administrative Court's 1st Administrative Trial Department on 30.03.2021, with the decision number E: 2020/989, K: 2021/641.

(h) Plaintiff, the owner of parcel number ... in the neighborhood of ... in Yüreğir district of Adana province, filed a lawsuit claiming compensation of 1,000.00 TL for the damage caused by the inclusion of his olive trees in the neighboring parcel due to the

consolidation operation carried out without a date and number and for not being able to benefit from the animal shelter in the 8-9 reinforced concrete structures also included in the neighboring parcel and for some of them to be demolished. In the lawsuit, it was claimed that the consolidation operation should be cancelled. The court evaluated the information and documents in the case file and the expert report that could be used as a basis for the decision to be made by the court together. It was concluded that although there was a possibility of allocating the full amount of plaintiff's entitlement independently from the area where his own parcel was located, as the aim of the consolidation was to increase the efficiency of agricultural production and the life standards of the rural population by utilizing production factors in the best way possible with less time, labor, and capital usage, and there was no technical, legal, or factual necessity in the consolidation process under dispute, this opportunity was not evaluated, and plaintiff's share was allocated from the parcel number ... located about 2200 meters northwest of his own parcel, resulting in him being turned into a joint owner with 18 people and causing ownership problems for plaintiff. Therefore, it was concluded that the consolidation process under dispute was not in compliance with the Regulation on the Protection, Utilization and Consolidation of Agricultural Lands and the law. Furthermore, although it was requested that compensation be paid for the damages caused by the inclusion of olive trees in the neighbouring parcel and the inability to benefit from the animal shelter in the 8-9 reinforced concrete structures, and for some of them to be demolished, when the expert report and the case file were examined together, it was found that the 15 olive trees, which were in their 20s and owned by the owner of the parcel number ... in the cadastre, mentioned by the plaintiff, were actually owned by the owner of the parcel number It was also determined that the 2-storey house and outbuildings owned by the plaintiff were built during the consolidation process after April 2, 2015, and that the plaintiff did not make any notification or request to the relevant authority before

starting construction or give any commitment. Therefore, it was concluded that there was no situation where the 2-storey house and outbuildings on plaintiff's parcel were not taken into account in the distribution during the consolidation process under dispute. It was concluded that there was no violation of the relevant legislation and the principles and objectives of the consolidation process. Therefore, the request for compensation for damages was rejected, and it was concluded that there was no legal basis to hold the administration responsible for the damage.

(i) In the lawsuit filed by the plaintiff, cancellation of the consolidation process carried out in the area covering parcel number ... in the district of Yüreğir, Adana province, was requested. As a result of the evaluation of the information and documents in the case file together with the expert report, it was concluded that the deduction made in connection with the transaction subject to the lawsuit was below the legal limit. It was also determined that an independent allocation was made to the plaintiff in the place where their citrus orchard was located on the north border of the cadastral parcel they owned, and an 8-meter wide gap was left between the citrus orchard owned by the plaintiff and the citrus orchard owned by ... which belonged to the shareholders of the cadastral parcel on the south side of the plaintiff's citrus orchard, which was intended to serve as a road for the maintenance of the two gardens and the use of agricultural tools, and that this road was within the property allocated to ... Despite the fact that both properties benefited equally from this empty space, it was not added to both properties in equal parts. It was also determined that the consolidation process, which was established without any legal, technical, or practical necessity, was not appropriate for its purpose, and therefore, the consolidation process subject to the lawsuit was cancelled by the decision of the Adana 2nd Administrative Court dated 17/09/2019, numbered E:2018/1014, K:2019/752, and this decision was upheld by the decision of the Adana Regional Administrative Court 1st Administrative Trial Division dated

18/02/2021, numbered E:2020/743,
K:2021/360.

CONCLUSIONS

Land consolidation reduces the number of fragmented, scattered, shapeless, and highly divided agricultural lands and increases the parcel areas, eliminates property issues, and provides parcels with road, water, and drainage services. Thus, agricultural production is carried out more effectively and efficiently, and the amount of agricultural production is increased. However, due to the erroneous and careless practices during the implementation of consolidation, the effectiveness of consolidation decreases, and the expected yield cannot be provided sufficiently. Considering the objections raised on this matter and the inadequate responses to objections, it is seen that erroneous and careless practices during the implementation phase pose a serious problem considering the decisions made in the court cases opened.

In the land consolidation conducted on 23/11/2012 in the Yüreğir district of Adana province, the objections raised and the subsequent lawsuits were mostly based on the failure to provide equivalent allocations, failure to provide on-site allocations, allocation of divisible or highly divisible properties while independent or less divisible options were available, creating property issues, making mistakes in land index values and grading, failure to give or giving less facing to the road, allocating land in areas unsuitable for sustainable agriculture, making allocations that are not consistent with the actual situation, and parcels being unsuitable geometrically. It is seen that a significant part of these claims resulted in favor of the plaintiffs.

As a result of our examinations and analysis in our research, together with the reasons for the decisions made by the Courts in the lawsuits opened on the subject, it is observed that the most common erroneous and incomplete practices of the administration in consolidation are the inadequate consideration, incomplete implementation, and erroneous interpretation of the provisions

of the relevant legislation. In addition, factors such as insufficient and inadequate sampling when determining the land value index, insufficient examination of the legal and actual situation of the immovable, insufficient information exchange with relevant institutions, inadequate interviews with farmers, and inadequate handling of objections can be counted as other problems identified where necessary and sufficient data were not obtained before implementation and adequate care was not taken during implementation.

If more careful implementation and more careful exercise of authority are ensured in consolidation, the stated negative situations will be eliminated, the expected goals of consolidation will be achieved more effectively and efficiently, and the satisfaction of the farmer with consolidation will increase, the producer will not have to struggle unnecessarily in court, the unnecessary occupation of the courts will be prevented, and thus time and cost savings will be achieved. The workload of the courts will also be prevented from increasing unnecessarily.

As a result of our research findings and evaluations, the solutions we propose are:

1- One of the most important conditions for the qualified and effective implementation of consolidation is the selection of competent personnel who have sufficient knowledge and experience in their field to carry out the consolidation process.

2- It is considered necessary to make a legal regulation regarding the creation of an independent unit for the inspection of the work and transactions carried out by the personnel conducting consolidation activities, and to subject them to inspection by this unit. This inspection unit will ensure that consolidation activities are carried out more carefully and meticulously in terms of compliance with both legislation and consolidation principles and rules, and that healthy and reliable results are obtained through its inspections.

3- It is thought that a Commission consisting of experts in the field of consolidation, including academicians, lawyers, agricultural engineers, and surveying engineers, should be

established to examine and resolve objections made by farmers after interviews conducted during the consolidation phase through a legal regulation. In this way, a large portion of disputes can be resolved quickly and effectively through administrative means without going to court.

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