

99046032058000

File a complaint with the administrative court

Heruntergeladen am 25.06.2025

<https://fimportal.de/xzufi-services/6000720/L100009>

Modul	Sachverhalt
Leistungsschlüssel	99046032058000
Leistungsbezeichnung I	File a complaint with the administrative court
Leistungsbezeichnung II	File a complaint with the administrative court
Typisierung	10 - Verwaltungsinterne Leistung
Quellredaktion	Sachsen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	

Modul	Sachverhalt
Fachlich freigegeben am	
Fachlich freigegeben durch	
Handlungsgrundlage	<ul style="list-style-type: none"> • § 55a, §§ 81 bis 106 Verwaltungsgerichtsordnung (VwGO) • Vertrauensdienstegesetz (VDG) • Elektronischer-Rechtsverkehr-Verordnung (ERVV)
Teaser	By filing an action with the administrative court, you can, for example, challenge the decision of an administrative authority (action for avoidance) or obtain the issuance of a decision (action for obligation).
Volltext	<p>By filing an action with the administrative court, you can, for example, challenge the decision of an administrative authority (action for avoidance) or obtain the issuance of a decision (action for obligation).</p> <p>Further possibilities, which are not discussed in detail here, are actions for a declaratory judgment and actions for performance.</p> <p>The administrative courts are basically responsible for all public law disputes of a non-constitutional nature, for example in the areas of building law, environmental law, levy and resolution contribution law, service law, school and university law, asylum law or youth welfare. Parties to proceedings can be citizens, the Land, the Federal Government and corporations under public law.</p> <p>There is no obligation to be represented in proceedings before the Administrative Court.</p> <p>Note: Disputes that are assigned to other courts, such as the financial or social courts, are excluded.</p>
Erforderliche Unterlagen	The original decision and the notice of appeal (original or copy) should be attached to the complaint.
Voraussetzungen	Before filing an action for annulment or obligation, you must - as far as provided by law - conduct an opposition procedure. It requires the filing of an objection against the decision and the rejection of the objection.

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Kosten

- as a rule, advance on court costs

If you win the case, you will not incur any costs - your possible lawyer's fees and the court costs will then be paid by the defendant authority. The advance on the court costs will be refunded to you. If you lose the case, you will have to pay all the costs - including those of the defendant authority.

The amount of court and lawyer's fees varies from case to case and depends on the so-called amount in dispute, i.e. the economic importance of the proceedings.

Note: People with low incomes may be entitled to legal aid, provided that the lawsuit has a sufficient chance of success and does not appear wanton.

Some proceedings before the administrative court are free of court costs, such as disputes in the areas of youth welfare or asylum law proceedings.

Verfahrensablauf

If you are represented by a lawyer, he or she will file the complaint in writing with the administrative court on your behalf. You can also file the complaint yourself in writing with the court (in multiple copies together with annexes for the other parties involved).

Make sure that your statement of claim contains the following minimum information:

- Your name and address
- Name and address of the defendant authority (legal entity of the authority that issued the original decision)
- Subject matter and objective of the action
- Reason for the action, stating the relevant facts and evidence (e.g. documents, witnesses, expert opinions, etc.)
- Date and file number of the original decision and of the appeal decision
- Your signature

You can also file a complaint directly with the court and submit it orally. To do so, contact the legal application office of the competent court. The clerk will help you

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formulate your complaint and then forward it to you.

Electronic transmission

You can also file an action by sending an electronic document containing the above-mentioned minimum information if the document is provided with a qualified electronic signature or if it is signed by the person responsible and submitted by a secure means of transmission. The secure means of transmission shall be determined by section 55a of the Code of Administrative Procedure and by statutory order of the Federal Government. You must comply with the special requirements of the Electronic Legal Communication Ordinance.

Service of the statement of claim

The administrative court serves the statement of claim on the defendant authority and then begins ex officio to investigate the circumstances and facts relevant to its decision. This is done by inspecting files and documents and by requesting statements from the plaintiff or the applicant and the defendant authority on specific points.

Oral hearing

When the court has thoroughly informed itself about the facts of the case, a date for an oral hearing is set. At this hearing, the facts of the case are discussed again, witnesses are heard, and the plaintiff and the defendant authority can comment on the case. The court points out factually or legally critical aspects of the case on its own initiative.

Note: It is possible at any time to reach a settlement or to withdraw the action.

Judgment

If no amicable settlement is reached or the action is withdrawn, the court usually pronounces the judgement at the end of the oral proceedings. In this case, it is served on the parties at a later date with a

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	<p>detailed written statement of reasons. The pronouncement may be replaced by the service of the judgment.</p> <p>If all parties agree, the judgment may also be delivered without an oral hearing.</p>
Bearbeitungsdauer	
Frist	<ul style="list-style-type: none"> • Action for annulment and obligation: within one month after notification of the opposition decision • if no opposition procedure is required: action within one month of notification of the initial decision
weiterführende Informationen	
Hinweise	<p>You can appeal against judgments of the administrative court to the Saxon Higher Administrative Court, provided the appeal has been admitted by the administrative court. If the appeal is not allowed, you can file an application for leave to appeal with the administrative court, on which the Saxon Higher Administrative Court decides.</p>
Rechtsbehelf	<p>appeal, if necessary (more details on the procedure in the judgement)</p>
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	