

LEY 12.008
El Senado y Cámara de Diputados de la Provincia de Buenos Aires,
sancionan con fuerza de
LEY

(TEXTO ACTUALIZADO CON LAS MODIFICACIONES INTRODUCIDAS POR LAS LEYES
12.310, 13.101 y 13.325)

TITULO I
DEL PROCESO ADMINISTRATIVO
CAPITULO I
DE LA COMPETENCIA CONTENCIOSO ADMINISTRATIVA

ARTICULO 1º: Cláusula general de la materia contencioso administrativa.

1.- Corresponde a los tribunales contencioso administrativos el conocimiento y decisión de las pretensiones que se deduzcan en los casos originados por la actuación u omisión, en el ejercicio de funciones administrativas, de los órganos de la Provincia, los Municipios, los entes descentralizados y otras personas, con arreglo a las prescripciones del presente Código.

2.- La actividad de los órganos del Poder Ejecutivo, de los Municipios y de los demás entes provinciales o municipales, se presume realizada en el ejercicio de funciones administrativas y regida por el derecho administrativo. Procederá esta presunción aun cuando se aplicaren por analogía normas de derecho privado o principios generales del derecho.

ARTICULO 2º: (Texto según Ley 13.101) Casos incluidos en la materia contencioso-administrativa. La competencia contencioso-administrativa comprende las siguientes controversias

1. Las que tengan por objeto la impugnación de actos administrativos, de alcance particular o general.-
Quedan incluidas en este inciso las impugnaciones que se deduzcan en contra de las resoluciones emanadas del Tribunal de Cuentas, del Tribunal Fiscal y de cualquier otro Tribunal de la Administración Pública, así como las que se deduzcan en contra de actos sancionatorios dispuestos en el ejercicio de la policía administrativa -a excepción de aquéllas sujetas al control del órgano judicial previsto en los artículos 166, segundo párrafo, 172 y 216 de la Constitución de la Provincia y 24 inciso 3) de la Ley 11.922.
2. Las que se susciten entre prestadores de servicios públicos o concesionarios de obras públicas y usuarios, en cuanto se encuentren regidas por el Derecho Administrativo.
3. Aquéllas en las que sea parte una persona pública no estatal, cuando actúe en el ejercicio de prerrogativas regidas por el Derecho Administrativo.
4. Las que versen sobre la responsabilidad patrimonial, generada por la actividad lícita o ilícita de la Provincia, los Municipios y los entes públicos estatales previstos en el artículo 1º, regidas por el Derecho Público, aún cuando se invocaren o aplicaren por analogía normas del Derecho Privado.
5. Las relacionadas con la aplicación de tributos provinciales o municipales.
6. Las relativas a los contratos administrativos.
7. Las que promuevan los entes públicos estatales previstos en el artículo 1º, regidas por el Derecho Administrativo.
- 8.- Las relacionadas con la ejecución de tributos provinciales.
- 9.- Las que versen sobre limitaciones al dominio por razones de interés público, servidumbres administrativas y expropiaciones.

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