
IMMUNITY - GEORGIA

Georgia Department of Transportation v. White

Court of Appeals of Georgia - March 6, 2023 - S.E.2d - 2023 WL 2362728

Landowner filed claims against Department of Transportation (DOT) for inverse condemnation and for judicial review of DOT's decision denying landowner's request for permits to build two full-access commercial driveways on his property.

The trial court granted landowner's motion for partial summary judgment on judicial-review claim. DOT's petition for discretionary review was granted.

The Court of Appeals held that DOT's denial of landowner's driveway permits was not a "contested case" under the Administrative Procedure Act (APA), and thus DOT did not waive sovereign immunity as to landowner's claim for judicial review under APA.

Landowner was not entitled to a hearing to contest Department of Transportation's (DOT's) decision denying his request for permits to build two full-access commercial driveways on his property, so that DOT's denial did not amount to a "contested case" under the Administrative Procedure Act (APA), and thus DOT never waived its sovereign immunity as to landowner's claim for judicial review of DOT's permit denials under the APA; statutes governing permitting process for commercial driveways did not provide for a hearing, other statutes governing DOT decisions did provide for hearing, and finding otherwise would have vitiated other APA provisions regarding administrative hearings and transmission of record to trial court.

Copyright © 2026 Bond Case Briefs | bondcasebriefs.com