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DeVillier v. Texas

Supreme Court of the United States - April 16, 2024 - 601 U.S. - 144 S.Ct. 938

Owners of properties near one side of interstate highway brought actions in state court against State, asserting inverse-condemnation claims under Takings Clause and Texas Constitution, based on allegations of flooding, during a hurricane and a tropical storm, caused by State's projects to facilitate use of highway as flood-evacuation route by installing barrier along highway median to act as dam to prevent stormwater from covering other side of highway.

After removal and consolidation, the United States District Court for the Southern District of Texas adopted the report and recommendation of the United States Magistrate Judge and denied State's motion to dismiss for failure to state a claim certified the order for permissive interlocutory appeal.

The United States Court of Appeals for the Fifth Circuit vacated and remanded, and rehearing en banc was denied. Certiorari was granted.

In a unanimous opinion, the Supreme Court held that inverse-condemnation cause of action under Texas law provides vehicle for claims under the Takings Clause.

The inverse-condemnation cause of action under Texas law provides a vehicle for takings claims based on both the Texas Constitution and the Fifth Amendment's Takings Clause.

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