

Insights

Indiana Supreme Court Reinforces Broad ITCA Immunity for Municipalities and Public Officials in Condemnation Actions

March 31, 2026

By: Scott C. Frissell and Hannah K. Huff-Schassburger

Bottom line: Municipalities, redevelopment commissions, and their officials remain strongly protected from tort liability under the Indiana Tort Claims Act (“ITCA”) when condemnation decisions are made pursuant to statutory authority.

Overview of the Decision

In a decision welcomed by Indiana municipalities and redevelopment commissions, the Indiana Supreme Court reaffirmed the broad immunity protections afforded to governmental entities and public officials under the ITCA. In *Indiana Land Trust #3082 and Omar and Haitham Abuzir as Trustees v. Hammond Redevelopment Commission, et al.*, No. 25S?PL?141 (Ind. Feb. 25, 2026), the Court rejected abuse of process claims arising from a condemnation action and confirmed that public officials do not face personal liability merely because a condemnation decision is later challenged.

Background

The case arose from a condemnation action initiated by the Hammond Redevelopment Commission. While that action remained pending, the affected landowners filed a separate lawsuit alleging abuse of process against the redevelopment commission, its individual members, the City of Hammond, and the Mayor of Hammond. The defendants moved to dismiss the lawsuit, asserting immunity under the ITCA. The Indiana Supreme Court agreed and held that all defendants were immune from liability.

The Court’s Analysis

1. Immunity for Officials Acting Within the Scope of Employment (Ind. Code § 34?13?3?5). The Court held that officials remain immune when conduct is of the same general nature as that authorized by statute, even if alleged to be tortious.
2. Immunity for Claims Arising from Judicial Proceedings (Ind. Code § 34?13?3?3(a)(6)). The Court rejected the argument that immunity applies only to the initiation of proceedings, holding that abuse of process claims tied to condemnation are barred.

Key Takeaways for Municipal Clients

- Condemnation decisions made pursuant to statutory authority are unlikely to expose municipalities to tort liability.
- Individual board members and elected officials generally remain protected from personal liability.
- Abuse of process claims tied to condemnation proceedings face substantial immunity barriers.

Important Limitations

Immunity is not unlimited. Officials may lose protection for criminal, fraudulent, or ultra vires conduct. Municipalities should continue to document public purpose findings, follow statutory procedures, and consult counsel.

Conclusion

The decision confirms strong ITCA protections for municipalities and public officials performing authorized governmental functions and reduces litigation risk when statutory authority is followed.

Disclaimer: The contents of this article should not be construed as legal advice or a legal opinion on any specific facts or circumstances. The contents are intended for general informational purposes only, and you are urged to consult with counsel concerning your situation and specific legal questions you may have.