

Decision no. 25, dated 11.05.2023

(V-25/23)

Constitutional Court of the Republic of Albania composed of: Holta Zaçaj, President, Marsida Xhaferllari, Fiona Papajorgji, Sonila Bejtja, Sandër Beci, Ilir Toska, Genti Ibrahim, Marjana Semini, Elsa Toska, members, with court secretary Belma Lleshi, on 11.05.2023, took under examination in plenary session on the basis of submitted documents, the case no. 7 (L) 2022 of the Basic Court Register, pertaining to:

APPLICANT: **LUFTIM MEZINI,**
MARCELA KËRËKU (MEZINI)

INTERESTED SUBJECTS:
PROPERTY MANAGEMENT AGENCY
STATE ADVOCACY

OBJECT: **Repeal of decision no. 21, of the Administrative College of the Supreme Court, dated 16 June 2022, as incompatible with the Constitution of the Republic of Albania.**
Finding a breach of the right to trial within a reasonable time related to the violation of the right to a regular legal process, violation of the right to property in terms of procedure, violation of the principle of reasoning of the decision, as well as the violation of the effective means of complaint.
Obligation of the Administrative Court of Appeal to adjudicate the case within 6 months.

LEGAL BASIS: **Articles 42, 43, 131, point 1, letter “f” and 134, point 1, letter “i”, of the Constitution of the Republic of Albania; articles 6 and 13 of the European Convention on Human Rights (ECHR); articles 399/1-399/9 and 399/11 of the Civil Procedure Code (KPC);**

articles 1, 14 et seq. of Law no. 49/2012, dated 03 May 2012 “On Administrative Courts and judgment of administrative disputes” (Law no. 49/2012); amended, articles 27, 50 et seq. of Law no. 8577, dated 10 February 2000 "On the organization and functioning of the Constitutional Court of the Republic of Albania", (law no. 8577/2000), amended.

Constitutional Court of the Republic of Albania, in pursuance of articles 131, point 1, letter “f”, and 134, point 1, letter “i” of the Constitution, as well as articles 71 and 72 of Law no. 8577, dated 10 February 2000 “On the organization and functioning of the Constitutional Court of the Republic of Albania”, amended, by majority of votes,

DECIDED:

1. Admission of the application.
2. Repeal of decision no. 21, of the Administrative College of the Supreme Court, dated 16.06.2022, as incompatible with the Constitution of the Republic of Albania.
3. Finding a breach of the right to trial within a reasonable time.
4. Obligation of the Administrative Court of Appeal to adjudicate the judicial case no. 14245 act (31138-03476-86-2019) within 9 months.

This decision is final and enters into force on the day of its publication in the Official Gazette.