

Decision no. 57, dated 09.11.2023

(V-57/23)

Constitutional Court of the Republic of Albania composed of: Holta Zaçaj, President, Marsida Xhaferllari, Sonila Bejtja, Sandër Beci, Ilir Toska, Genti Ibrahim, Marjana Semini, Fiona Papajorgji, members, with court secretary Belma Lleshi, on 09.11.2023, took under examination in plenary session on the basis of submitted documents, the case no. 17 (A) 2023 of the Basic Court Register, pertaining to:

APPLICANT: **ARTI ELEZAJ**, represented with power of attorney, by practising lawyers Arian Salati and Genc Çifligu.

INTERESTED SUBJECTS:

AMALIA ZERRI, represented with power of attorney, by practising lawyer Evelina Qirjako,

LEANDRO ZERRI, JULIANA ZERRI, VAHID LUZI, LUTFIJE LUZI, ETGENT LUZI, LEONARD LUZI, ERA LUZI, MELEQE LUZI, VERO RUÇI, SHPËTIME RUÇI, ALTIN DEMIRXHIU,

THE STATE CADASTRE AGENCY,

REGIONAL DIRECTORATE IN TIRANA

OBJECT: **Repeal of decision no. 00-2022-2857 (455), dated 09 November 2022 of the Civil College of the Supreme Court, as incompatible with the Constitution of the Republic of Albania.**

LEGAL BASIS: **Articles 4, 11, 17, 18, 41, 42, 131, point 1, letter “f” and 134, point 1, letter “i”, of the Constitution of the Republic of Albania (*The Constitution*); article 6 of the European Convention on Human Rights and article 1 of its Protocol no. 1 (*ECHR*); 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. 00-2022-2857 (455), dated 09.11.2022 of the Civil College of the Supreme Court, as incompatible with the Constitution of the Republic of Albania.
3. Remanding of the case to the Supreme Court for further proceedings.

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