

**Decision no. 65, dated 30.11.2023**

**(V-65/23)**

Constitutional Court of the Republic of Albania composed of: Holta Zaçaj, President, Marsida Xhaferllari, Fiona Papajorgji, Elsa Toska, Sandër Beci, Ilir Toska, Genti Ibrahim, Marjana Semini, Sonila Bejtja, members, with court secretary Belma Lleshi, on 30.11.2023, took under examination in plenary session on the basis of submitted documents, the case no. 3 (G) 2023 of the Basic Court Register, pertaining to:

**APPLICANT:**           **GENIS MËHILLAJ**, represented with special power of attorney, by practicing lawyers Vangjel Kosta and Entela Memishaj.

**INTERESTED SUBJECTS:**

**QEREM HYSOLAKO (LAKO)**, represented with special power of attorney, by practicing lawyer Avni Shehu.

**DURIM RODAKAJ, TIRANA PROPERTY TREATMENT AGENCY, STATE CADASTRE AGENCY, VLORA REGIONAL DIRECTORATE, AGRON MËHILLI, EVELINA MËHILLI (CARA), GËZIM MËHILLI, DILAVER MËHILLI, ISMET MËHILLI, MIT'HAT MËHILLI, AFËRDITA MËHILLI, MIROSHE VELAJ, FIORINA MËHILLI, RIKO MËHILLI, SULLTANE LAMEBORSHI, MJAFTIME ZILJA LAMEBORSHI, DRITA MËHILLI, THE INHERITORS OF BUKURIE MËHILLI, IRMA MËHILLI (SKËNDERI) AND ERMIRA MËHILLI.**

**OBJECT:**               **Repeal of decisions no. 2037, dated 27.07.2009 of the Judicial District Court of Vlore; no. 956, dated 17.11.2021 of the Appeal Court of Vlore; no. 00-2021- 2166, dated 22.12.2021 of the Civil College of the Supreme Court, as incompatible with the Constitution of the Republic of Albania.**

**LEGAL BASIS:** Articles 42, 131, point 1, letter “f” and 134, point 1, letter “i”, of the Constitution of the Republic of Albania (*The Constitution*); European Convention on Human Rights (*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 72 et seq 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. Partial admission of the application.
2. Repeal of decision no. 00-2021-2166, dated 22.12.2021 of the Civil College of the Supreme Court, as incompatible with the Constitution.
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.