

Decision no. 76, dated 29.10.2024

(V-76/24)

Constitutional Court of the Republic of Albania composed of: Holta Zaçaj, President, Marsida Xhaferllari, Fiona Papajorgji, Sonila Bejtja, Sandër Beci, Genti Ibrahimimi, Marjana Semini, Ilir Toska, members, with court secretary Belma Lleshi, on 29.10.2024, took under examination in plenary session on the basis of submitted documents, the case no. 4 (F) 2024 of the Basic Court Register, pertaining to:

APPLICANT: FATMA HOXHA, ARLIND HOXHA, ENDRI HOXHA

INTERESTED SUBJECTS:

MUSLIM COMMUNITY OF ALBANIA, DURRËSI MUFTI,
represented by the chairman Bujar Spahiu.

**STATE CADASTRE AGENCY, DURRËSI REGIONAL
DIRECTORATE,** in absentia.

PROPERTY TREATMENT AGENCY, in absentia.

**OBJECT: Repeal of decisions no. (11-2013-661) 350 of Durrësi District
Court, dated 07.02.2013; decision no. 204/10-2015-506 of
Durrësi Court of Appeal, dated 04.03.2015; decision no. 00-
2023-3019 of the Civil College of the High Court, dated
13.07.2023, as incompatible with the Constitution of the
Republic of Albania.**

**Remanding of the case to the Civil College of the High Court for
retrial.**

**LEGAL BASIS: Articles 4, 15, point 2, 17, 18, 33, point 1, 43, 44, 131, point 1,
letter “f”, 134, points 1, letter “i” and 135, point 1, of the
Constitution of the Republic of Albania (*the Constitution*);
Article 6 of the European Convention on Human Rights;**

Articles 27, 28, 29 and 30 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, pursuant to 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, unanimously,

DECIDED:

1. Admission of the application in part.
2. Repeal of decisions no. 204/10-2015-506 of Durrësi Court of Appeal, as well as decision no. 00-2023-3019 of the Civil College of the High Court, dated 13.07.2023, as incompatible with the Constitution of the Republic of Albania.
3. Remanding of the case to General Jurisdiction Court of Appeal for further proceedings.

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