

Decision no. 39, dated 14.05.2024

(V-39/24)

Constitutional Court of the Republic of Albania composed of: Holta Zaçaj, President, Marsida Xhaferllari, Fiona Papajorgji, Elsa Toska, Sonila Bejtja, Sandër Beci, Genti Ibrahimimi, Marjana Semini, Ilir Toska, members, with court secretary Belma Lleshi, on 14.05.2024, took under examination in plenary session on the basis of submitted documents, the case no. 14 (L) 2023 of the Basic Court Register, pertaining to:

APPLICANT: LAERT KOLA

INTERESTED SUBJECTS:

STATE CADASTRE AGENCY, in absentia.

PRIVATE BAILIFF OFFICE “TDR GROUP” LTD., in absentia.

OBJECT: Repeal of decision no. 101 of Vlora Administrative Court of First Instance, dated 20.06.2023, as incompatible with the Constitution of the Republic of Albania.

Finding of the violation of the right to execute the court`s decision no. 591 of the Administrative Court of Appeal, dated 07.12.2022, within a reasonable time and acceleration of procedures for the execution of the decision on the property registration, pursuant to decision no. 132, dated 14.02.1996, of the former Fier Commission for Restitution and Compensation of Property, with regard to the application submitted in Fier Regional Directorate of the State Cadastre Agency on 01.04.2015.

Violation of the right to property, contrary to Article 41 of the Constitution of the Republic of Albania, by Fier Regional

Directorate of the State Cadastre Agency, Fier Municipality and the State Advocacy.

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*); Article 6 of the 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, pursuant to 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, unanimously,

DECIDED:

1. Admission of the application.
2. Repeal of decision no. 101 of the Vlora Administrative Court of First Instance, dated 20.06.2023.
3. Finding of the violation of the right of the applicant Laert Kola for the execution of the final court`s decision no. 591 of the Administrative Court of Appeal, dated 07.12.2022.
4. Ordering of the State Cadastre Agency to complete the execution of the final court`s decision no. 591 of the Administrative Court of Appeal, dated 07.12.2022.

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