

Decision no. 44, dated 04.06.2024

(V-44/24)

Constitutional Court of the Republic of Albania composed of: Holta Zaçaj, President, Marsida Xhaferllari, Fiona Papajorgji, Elsa Toska, Sonila Bejtja, Ilir Toska, Genti Ibrahim, Marjana Semini, Sandër Beci, members, with court secretary Belma Lleshi, on 04.06.2024, took under examination in plenary session on the basis of submitted documents, the case no. 23 (E) 2023 of the Basic Court Register, pertaining to:

APPLICANT: **ELEONORA POGA, GJERGJI SHALËSI, PETRIKA SHALËSI, SOFIANA SHAKAJ, ROZI BEQIRI, ZAIRA POGA**, represented with special power of attorney, by lawyer Suela Mëneri.

INTERESTED SUBJECTS:

TIRANA MUNICIPALITY, represented by the director of General Legal Directorate of Assets and Licensing.

STATE CADASTRE AGENCY, REGIONAL DIRECTORATE, SOUTH TIRANA, represented by director Flladi Dano.

OBJECT: **Repeal of decisions no. 8583 of Tirana District Court, dated 22.07.2013; no. 2985 of the Administrative Court of Appeal dated 30.09.2016; no. 00-2023-2461 of the Administrative College of the High Court, as incompatible with the Constitution of the Republic of Albania.**

Repeal of the decision of the Council of Ministers no. 342, dated 26.05.2005 “On the approval of the inventory list and transfer of Tirana football club properties owned by Tirana Municipality”, with regard to the part available for the land

property with an area of 348 m², registered in the mortgage register no. 6580, dated 23.09.1996, owned by Stefan Poga, Evanthi Poga with a part of 3/9 each and Elsa Poga, Sofiana Poga, Rozi Poga with a part of 1/9 each, bordered on the east by parcel no. 443, on the west by parcel no. 439 and partly by "Muhamet Gjollështa" street", road on the north in the project, on the south by parcel no. 440.

LEGAL BASIS: Articles 4, 17, point 2, 41, 42, 43, 131, point 1, letter "f", 134, point 1, letter "i" and 181 of the Constitution of the Republic of Albania (*the Constitution*); Article 1, 6, point 1 and 13 of the European Convention on Human Rights (*ECHR*), as well as Article 1 of its Protocol no. 1; Articles 31, 71, 71/a, 71/b and 76 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 71, 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 vote,

DECIDED:

1. Rejection of the application.

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