

Decision no. 51, dated 20.06.2024

(V-51/24)

Constitutional Court of the Republic of Albania composed of: Holta Zaçaj, President, Marsida Xhaferllari, Fiona Papajorgji, Elsa Toska, Sonila Bejtja, Sandër Beci, Genti Ibrahim, Marjana Semini, Ilir Toska, members, with court secretary Belma Lleshi, on 20.06.2024, took under examination in plenary session on the basis of submitted documents, the case no. 20 (L) 2023 of the Basic Court Register, pertaining to:

APPLICANT: **LULZIM JAJAGA**, represented with power of attorney, by lawyer Elton Gogo.

INTERESTED SUBJECTS:

QEMAL BRAHJA, SKËNDER BRAHJA, represented by lawyer Ermal Fortuzi.

STATE CADASTRE AGENCY, REGIONAL DIRECTORATE OF TIRANA RURAL 1, represented by director Çelsea Terziu.

OBJECT: **Repeal of decisions no. 1392 of Tirana Appeal Court, dated 04.06.2015; no. 00-2023-3164 of the Civil College of the High Court, dated 26.07.2023, as incompatible with the Constitution of the Republic of Albania.**

Decision no. 3817, dated 24.03.2014, of former Tirana District Court, present day the Court of First Instance of General Jurisdiction of Tirana shall be left in force.

LEGAL BASIS: **Articles 42, 44, 131, point 1, letter “f” and 134, point 1, letter “i”, of the Constitution of the Republic of Albania (*Constitution*); Article 2, 6, 8 and 13 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 in part.
2. Repeal of decision no. 00-2023-3164 of the Civil College of the High Court, dated 26.07.2023, as incompatible with the Constitution of the Republic of Albania.
3. Remanding of the case to the High Court for further proceedings.

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