

Republic of Iraq
Federal Supreme Court
Ref. 42 / Federal / 2022



The Federal Supreme Court (F.S.C.) convened on 16.3.2022 headed by Judge Jasem Mohammad Abbood and the membership of the judges Sameer Abbas Mohammed, Ghaleb Amer Shnain, Haider Jaber Abed, Haider Ali Noory, Khalaf Ahmed Rajab, Ayoub Abbas Salih, Abdul Rahman Suleiman Ali, and Diyar Muhammad Ali who are authorized to judge in the name of the people, they made the following decision:

The Applicant:

Wasit Governor / Muhammad Jamil Al-Mayahi.

The subject of the request:

The extent to which it is possible to complete the procedures related to citizens' requests for the purchase of residential plots, after ruling that Article (24/Third) of the amended Law No. 21 of 2013 was unconstitutional.

The request summary:

The Federal Supreme Court received the request of the Governor of Wasit / Muhammad Jamil Al-Mayahi under the letter of Wasit Governorate No. 1/1/101 on 28/2/2022, addressed to the Federal Supreme Court / the Office of the President of the Court entitled (Article 25/Third of the Law of Sale and Leasing of State Funds No. (21) of 2013, amended), which includes the following summary: (At the time that we commend your great efforts in solving many constitutional and legal problems and in a manner that

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guarantees the supremacy of law in this regard, and in reference to what was stated in the decision of your esteemed court No. (213 / Federal / 2021) issued On 9/2/2022 and due to the presence of large numbers of citizens' requests for the purchase of residential plots in accordance with the provisions of Article (24/Third) of the Law No. (21) of 2013 on Sale and Lease of State Funds, as amended, mentioned in the original law in sequence (25/Third) and according to the following:

1- Applications that include assessment reports approved by the Minister of Construction, Housing, and Municipalities before the issuance of the aforementioned court decision and have not been registered with the Real Estate Registration Department.

2- Applications that have previously been approved by the Minister of Construction, Housing, and Municipalities and are in the process of completing the procedures other subsequent, kindly inform us about the possibility of completing the procedures for those requests and registering them properly).

The decision:

Upon examination and deliberation by the Federal Supreme Court, it became clear that the submitted request, its summary included inquiring about: (the extent to which citizens' requests to purchase residential plots can be completed in accordance with the provisions of Article (24/third) of the Law No. 21 of 2013 amended on the sale and lease of state funds mentioned in the original law in sequence (25 / third), and its registration, after the issuance of the Federal Supreme Court's decision No.(213/ federal/ 2021) issued on 9/2/2022 containing the ruling unconstitutionality of the

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forementioned article and its cancellation, and it is of two types, requests that include minutes of assessment endorsement by the Minister of Construction, Housing and Municipalities before the court's decision which was issued and not registered with the Real Estate Registration Department, and the requests that had previously been obtained by the approval of the Minister of Construction, Housing and Municipalities and are in the process of completing other subsequent procedures, the Federal Supreme Court finds that its competencies and powers Specified under Articles (52 and 93) of the Constitution of the Republic of Iraq for the year 2005 and Article (4) of the Law Federal Supreme Court No. (30) for the year 2005 amended by Law No. (25) for the year 2021 and the articles contained in other special laws and did not includes answering questions related to the extent of the possibility of completing the procedures for citizens' requests to purchase residential plots in accordance with the provisions of Article (24/third) of the Law of Sale and lease of state funds No. (21) of 2013, as amended, mentioned in the original law in sequence (25/3), and their registration, after the Federal Court's decision No. (213/Federal/2021) issued on February 9, 2022, containing the mentioned ruling that the aforementioned article was unconstitutional, therefore, this court is not competent to answer the inquiry contained in the request, and because this court has no jurisdiction to answer the inquiry request, so the Federal Supreme Court decided to reject the inquiry request in form. According to the Constitution of the Republic of Iraq for the year 2005 and Articles (4 and 5/Second) of the Federal Supreme Court Law No. (30) for the

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year 2005 amended by Law No. (25) for the year 2021, in the session dated 12/Shah`ban 1443 AH corresponding to 3/16/2022 AD.

Signature of
The president

Jasem Mohammad Abbood

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