

CHAPTER 586**MANDAMUS**

- 586.09 Judgment for plaintiff; appeal.
586.11 Jurisdiction of district and appellate courts.
586.12 Issues of fact; trial.

586.09 JUDGMENT FOR PLAINTIFF; APPEAL.

If judgment is given for the plaintiff, he shall recover the damage which he has sustained, together with costs and disbursements, and a peremptory mandamus shall be awarded without delay. An appeal from the district court shall lie to the court of appeals in mandamus as in other civil cases.

History: 1983 c 247 s 195

586.11 JURISDICTION OF DISTRICT AND APPELLATE COURTS.

The district court has exclusive original jurisdiction in all cases of mandamus, except where the writ is to be directed to a district court or a judge thereof in his official capacity, in which case the court of appeals has exclusive original jurisdiction, or except where the writ is to be directed to the court of appeals or a judge thereof in his official capacity. If the writ is to be directed to the court of appeals or a judge thereof in his official capacity, the supreme court or a judge thereof has original jurisdiction. The rules of civil appellate procedure shall apply in all proceedings on the writ.

History: 1983 c 216 art 2 s 8; 1983 c 247 s 196

586.12 ISSUES OF FACT; TRIAL.

Issues of fact in proceedings commenced in a district court shall be tried in the county in which the defendant resides, or in which the material facts stated in the writ are alleged to have taken place. Either party shall be entitled to have any issue of fact tried by a jury, as in a civil action. In any case commenced in the supreme court or court of appeals, where there is an issue of fact, upon request of either party, that court shall transmit the record to the proper district court, which shall try the issue in the same manner as if the proceeding had been commenced there. A change of venue may be granted as in other cases.

History: 1983 c 247 s 197