

CHAPTER 606

WRIT OF CERTIORARI

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606.01 CERTIORARI, WITHIN WHAT TIME WRIT ISSUED.

No writ of certiorari shall be issued, to correct any proceeding, unless such writ shall be issued within 60 days after the party applying for such writ shall have received due notice of the proceeding sought to be reviewed thereby. The party shall apply to the court of appeals for the writ.

History: (9769) 1909 c 410 s 1; 1996 c 307 s 2

606.02 TIME FOR SERVICE.

Such writ must also be served upon the adverse party within such period of 60 days.

History: (9770) 1909 c 410 s 2

606.03 MS 1990 [Repealed, 1991 c 17 s 1]

606.04 COSTS.

The party prevailing on a writ of certiorari in any proceeding of a civil nature shall be entitled to costs against the adverse party. If the writ appears to have been brought for the purpose of delay or vexation, the court of appeals may award double costs to the prevailing party.

History: (9772) 1909 c 410 s 4; 1983 c 247 s 206; 1986 c 444

606.05 DISMISSAL, COSTS.

If any writ of certiorari shall hereafter be issued contrary to any provision of this chapter, or shall not be served upon the adverse party within such period of 60 days, the party against which the same is so issued may have the same dismissed on motion and affidavit showing the facts and shall be entitled to costs and disbursements the same as in other civil actions.

History: (9773) 1909 c 410 s 5; 1986 c 444

606.06 CERTIORARI.

A writ of certiorari for review of an administrative decision pursuant to chapter 14 or of an order publishing the proceedings, findings, or sentence of a court-martial pursuant to this code is a matter of right.

History: 1983 c 247 s 207; 2022 c 89 art 5 s 4