

CHAPTER 32-32 SPECIAL PROCEEDINGS, GENERAL PROVISIONS

32-32-01. Definition. "Special proceedings" within the meaning of this chapter shall include the writs of certiorari, mandamus, and prohibition.

32-32-02. Parties to. When a special proceeding is prosecuted by one having a special interest in the proceeding, it shall not be necessary for the state to be joined as plaintiff therein, but the person prosecuting the same shall be known as the plaintiff and the adverse party as the defendant.

32-32-03. Judgment in special proceeding defined - Motion and order. A judgment in a special proceeding is the final determination of the rights of the parties therein. The definitions of a motion and an order in a civil action are applicable to similar acts in a special proceeding.

32-32-04. What writs issue in vacation. Writs of certiorari, mandamus, and prohibition may be issued by a judge of the district court in vacation, and when issued by a judge of the district court may be made returnable and a hearing held thereon in vacation.

32-32-05. Rules of practice. Except as otherwise provided in chapters 32-33, 32-34, and 32-35, the provisions of title 28 are applicable to and constitute the rules of practice in the proceedings mentioned in this chapter.

32-32-06. New trials and appeals. The provisions of the chapters relative to new trials and appeals in title 28, except insofar as they are inconsistent with the provisions of chapters 32-33, 32-34, and 32-35, apply to the proceedings mentioned in this chapter.