

**REVISED JUDICATURE ACT OF 1961 (EXCERPT)**

**Act 236 of 1961**

**CHAPTER 44**

**MANDAMUS**

**600.4401 Action for mandamus against state officer; commencement; rule for joinder of claims or consolidation of actions; rule for referral of action to circuit court.**

Sec. 4401. (1) An action for mandamus against a state officer shall be commenced in the court of appeals, or in the circuit court in the county in which venue is proper or in Ingham county, at the option of the party commencing the action.

(2) The supreme court may provide by rule for the joinder of claims or consolidation of actions in the court of appeals or the circuit court if those claims or actions include a prayer for mandamus against a state officer and arise out of the same circumstances or raise a similar issue of law.

(3) The supreme court may provide by rule for the referral of an action from the court of appeals to the circuit court to determine and report its findings of fact or to hear and decide the action if substantial fact finding is necessary to determine the applicability of mandamus relief.

**History:** 1961, Act 236, Eff. Jan. 1, 1963;—Am. 1967, Act 65, Imd. Eff. June 20, 1967;—Am. 1976, Act 317, Eff. Jan. 1, 1977.

**Compiler's note:** Section 2 of Act 317 of 1976 provides: "As provided by the rule of the supreme court, this amendatory act may apply to actions pending on January 1, 1977."

**600.4411 Mandamus; violation; penalty.**

Sec. 4411. Whenever mandamus is directed to any public officer, body or board, corporation or corporate officer, commanding them to perform any duty, specially enjoined upon them by any provisions of law, in addition to ordering the performance of such duty, if it appears to the court that such officer, or any member of such body or board, has, without just excuse, refused or neglected to perform the duty so enjoined, the court may impose a fine not exceeding \$250.00 upon every such officer or member of such board or body.

**History:** 1961, Act 236, Eff. Jan. 1, 1963.

**600.4421 Mandamus; payment of fine; bar to action.**

Sec. 4421. The payment of such fine shall be a bar to any action for any penalty incurred by such officer, or member of such body or board, by reason of his refusal or neglect to perform the duty so enjoined.

**History:** 1961, Act 236, Eff. Jan. 1, 1963.

**600.4431 Mandamus; damages; costs; public officer.**

Sec. 4431. Damages and costs may be awarded in an action for mandamus. No damages may be allowed in mandamus against a public officer who, in good faith, acted erroneously.

**History:** 1961, Act 236, Eff. Jan. 1, 1963.