

63. *Judicial Review.*

(1) Any person or persons, jointly or severally, aggrieved by any decision of the Board of Appeals, or any taxpayer, or any officer, department, board, or bureau of the political subdivision, may present to a court of record a duly verified petition setting forth that the decision is illegal, in whole or in part, and specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the decision is filed in the office of the Board.

(2) Upon presentation of such petition, the court shall allow an appeal to review such decision of the Board and shall prescribe therein the time within which a return or answer to the petition must be made and served on the petitioner or his attorney, which shall be not less than fifteen (15) days, and may be extended by the court. The allowance of the appeal shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the Board and on due cause shown, grant a restraining order.

(3) The Board of Appeals shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by the appeal. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

(4) If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made.

(5) The court shall have jurisdiction to affirm, modify, or set aside the decision brought up for review, in whole or in part, and if need be, to order further proceedings by the Board of Appeals.

(6) All such petitions shall be filed in the name of the person requesting the appeal as plaintiff against the political subdivision as defendant and it shall not be necessary to join the Board of Appeals as a party defendant.

(7) All issues in any proceeding under this section shall have preference over all other civil actions and proceedings.