

Bond Case Briefs

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ZONING & PLANNING - GEORGIA

Tussahaw Reserves, LLC v. Butts County

Supreme Court of Georgia - October 21, 2025 - S.E.2d - 2025 WL 2955817

Landowners, after their rezoning applications were denied, filed pleading in which they sought declaratory judgment and injunctive relief against county and a writ of certiorari against county board of commissioners and the individual commissioners, in their official capacities, as the respondents-in-certiorari, and county as defendant-in-certiorari.

The Superior Court granted county's motion to dismiss. Landowners filed an application for appeal in the Supreme Court, which transferred the application to the Court of Appeals. The Court of Appeals affirmed. The Supreme Court granted landowners' petition for certiorari review.

The Supreme Court held that:

- Court would not consider landowners' constitutional argument regarding provision of state constitution waiving sovereign immunity for certain claims against the government by exclusively naming government as a defendant, and
- Landowners' failure to comply with provision did not deprive trial court of subject-matter jurisdiction to rule on pending motions to drop respondents-in-certiorari from case.