

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.7488 of 2014**

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1. Tapeswar Prasad Son of Late Ambika Prasad resident of Mohalla -  
Vishnupuri, Ram Lakhan Singh Path, Chitkohra, Police Station -  
Gardanibagh, Town & District - Patna

.... .... Petitioner/s

Versus

1. The State of Bihar  
2. The District Magistrate, Patna  
3. The Senior Superintendent of Police, Patna.  
4. The Sub - Divisional Officer, Patna Sadar, Patna  
5. The Circle Officer, Patna Sadar, Patna  
6. The Officer - in - Charge, Gardanibagh Police Station, Patna

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Suresh Kumar

For the Respondent/s : Mr. A.C. to A.A.G.-8

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**CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL**  
**ORAL ORDER**

2      19-10-2016                      Heard Mr. Suresh Kumar, Counsel for the petitioner  
and A.C. to A.A.G.-8 for the State.

The present writ application has been filed for  
refund of the amount deposited by the petitioner in the light of the  
order dated 31.07.2012 passed in C.W.J.C. No. 1851 of 2012  
(Annexure-1).

A counter affidavit is filed on behalf of respondent  
no. 3. The Court directed deployment of the police force on  
payment of cost to provide assistance in taking possession over the  
disputed land. The respondents have stated, which the Counsel for  
the petitioner is unable to dispute, that the force was deployed but,  
it is submitted that the boundary wall could not be constructed

even after deployment of the force by the respondents as the objection thereto was severe. Be that as it may, the Court had directed for deployment of force upon payment of cost which was already deployed.

Considering the above, this Court is unable to grant relief as prayed in this application for refund of the amount deposited by the petitioner with the respondents. The relief is fit to be declined.

I order accordingly. However, the petitioner would be at liberty to ventilate his grievance before the concerned respondents on the basis of new facts, if any, in accordance with law.

**(Kishore Kumar Mandal, J)**

Pankaj/-

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