

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.13152 of 2013**

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1. Sheoji Maharan S/O Late Mahavir Maharan Resident Of Laheriaganj, Ward No. 1, Police Station And District- Madubani.
  2. Ravi Kumar Pradhan S/O Raj Kumar Pradhan Resident Of Ward No. 16, Police Station And District- Madhubani.

.... .... Petitioner/s

Versus

1. The Nagar Parishad Through Its Chairman, Madhubani.
2. The Chairman, Nagar Parishad, Madhubani.
3. The Executive Officer, Nagar Parishad, Madhubani.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. RATANAKAR JHA

For the Respondent/s : Mr. Purushottam Jha, Advocate

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

ORAL JUDGMENT

**Date: 17-09-2018**

Learned counsel for the respondent-Nagar Parishad makes a statement at the Bar that the security deposit of Rs.1,41,000/- for the purpose of allotment of shop was refunded to the petitioners and duly received by the petitioner no. 1 as far back as on 15.11.2017. A photo copy of the payment receipt showing refund of the said amount to the petitioners has been submitted by learned counsel for the respondent-Nagar Parishad, which is placed on record.

2. Learned counsel for the petitioners, on the other hand, insists that the respondents have not filed a counter affidavit bringing such fact on record.

3. This Court is unable to appreciate the attitude of the



petitioners. If they had received the payment in question, they themselves ought to have filed an affidavit bringing such fact on record. The stand of the respondents is not specifically being denied.

4. Be that as it may and having regard to the stand of the respondent no.1, the writ petition stands disposed of.

5. It is made clear that in case the stand of respondent no.1 is found to be incorrect, the petitioners shall be at liberty to approach this Court for recall of this judgment.

**(Vikash Jain, J)**

N.H./-

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| AFR/NAFR          | NAFR       |
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