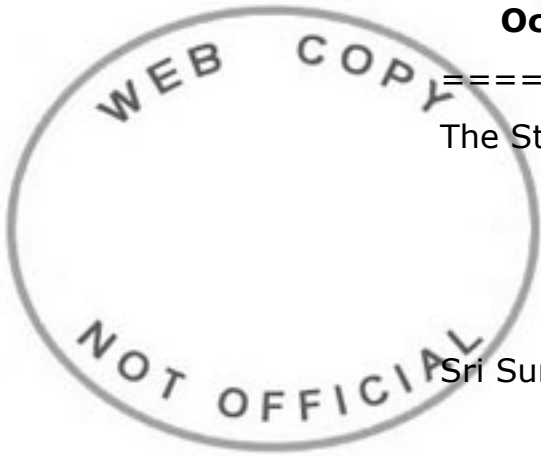




IN THE HIGH COURT OF JUDICATURE AT PATNA
Ocr. Criminal Miscellaneous (DB) No.10 of 2015

=====

The State of Bihar.

.... Petitioner

Versus

Sri Sundar Prasad Chaurasia, District Welfare Officer, Patna.

.... Opposite Party

=====

With

Ocr. Criminal Miscellaneous (DB) No.11 of 2015

=====

The State of Bihar.

.... Petitioner

Versus

Sri S.M. Raju, Secretary, SC/ST Welfare Department, Govt.
of Bihar.

.... Opposite Party

=====

Appearance :

(In Ocr. Misc. (DB) No.10 of 2015)

For the Petitioner/s : Mr. Lalit Kishore, P.A.A.G.

For the Opposite Party : Mr. Y.V. Giri, Sr. Adv.

For the University : Mr. Vivekanand Pd. Singh, Adv.

(In Ocr. Misc. (DB) No.11 of 2015)

For the Petitioner/s : Mr. Lalit Kishore, P.A.A.G.

For the Opposite Party : Mr. Y.V. Giri, Sr. Adv.

For the University : Mr. Vivekanand Pd. Singh, Adv.

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

**HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

C.A.V. ORDER

**(Per: HONOURABLE MR. JUSTICE
CHAKRADHARI SHARAN SINGH)**

4. 03/11/2015

These proceedings were *suo motu* initiated against the contemnors-opposite parties for having caused obstruction in implementation of this Court's order passed from time to time in a Public Interest Litigation registered as C.W.J.C. No.11179 of 2015.

2. Certain directions were issued in the said Public Interest Litigation by a Division Bench of this Court as regards removal of illegal occupants in various hostels of Patna University **(hereinafter referred to as "the University")** and removal of other encroachments situated within the campus of the hostels of the University.

3. Drive for eviction of encroachers, pursuant to this Court's order, were taken up by the District Administration and the Officials of the University. In course of hearing of the aforesaid





C.W.J.C. No.11179 of 2015 and perusal of records, Mr. S.M. Raju, Secretary, Scheduled Caste/Scheduled Tribe Welfare Department, Government of Bihar, was found to have entered into a communication with the Vice-Chancellor of the University, through his letter, dated 19.08.2015, suggesting to him not to proceed with removal of unauthorized constructions, admittedly raised, adjacent to Ambedkar Hostel.

4. The said unauthorized constructions were popularly known as "Simla Bhawan". It further transpired that Mr. Sundar Prasad Chaurasia, District Welfare Officer, Patna, had submitted a report, on 16.08.2015, to the Principal Secretary of the Welfare Department, suggesting that removal of the encroachments, in the form of "Simla Bhawan", would not be just inasmuch as that would adversely affect studies of the students occupying these illegally raised structures. From the said communications, it transpired to the Court that both the Officials, that is, Mr. S.M. Raju, Secretary, Scheduled Caste/Scheduled Tribe Welfare Department, Government of Bihar, and Mr. Sundar Prasad Chaurasia, District Welfare Officer, Patna, were fully aware of the fact that the removal of encroachments from the campus of the University was

being carried out under the orders of this Court and by the communications, as referred to above, they willfully attempted to cause obstruction to the implementation of this Court's order.

5. It was in the above factual background that two contempt proceedings were *suo motu* initiated, one against Mr. S.M. Raju, Secretary, Scheduled Caste/Scheduled Tribe Welfare Department, Government of Bihar, and the other against Mr. Sundar Prasad Chaurasia, District Welfare Officer, Patna, giving rise to Ocr. Cr. Misc. (DB) No.10 2015 and Ocr. Cr. Misc. (DB) No.11 of 2015 respectively. The respondents, who had been so proceeded against for Contempt of Court, were, accordingly, noticed and directed to be personally present in Court.

6. The respondents have filed their show-cause replies, wherein both of them have tendered unqualified apology.

7. We have heard Mr. Y.V. Giri, learned senior counsel, appearing on behalf of the opposite parties-contemnors, Mr. Lalit Kishore, learned Principal Additional Advocate General, appearing on behalf of the State of Bihar, and also Mr. Vivekanand Prasad Singh, learned counsel, appearing on behalf of the University.

8. It has been brought to our notice that the encroachments, in the name of "Simla Bhawan", adjacent to the Ambedkar Hostel, has since been removed and all the unauthorized occupants of Ambedkar Hostel have been evicted.

9. Mr. Y.V. Giri, learned senior counsel, appearing on behalf of the opposite parties-contemnors, has submitted that this Court may accept the unqualified apology tendered by the contemnors in view of their subsequent conduct. He has informed us that the Ambedkar Hostel, constructed by the Welfare Department, Government of Bihar, on the land belonging to the University, has been handed over to the University for allotment to the students of the University.

10. The apology has been tendered by the contemnors on affidavit, at the earliest, in their show-cause replies. Their subsequent conduct are suggestive of the fact that apology, so tendered, is *bona fide* and not merely a tool to escape consequences of contempt of Court. It is not without contrition or remorse. Conduct of the contemnors is not so contumacious, in view of subsequent development, as to fall into the category, where no apology should be accepted. The

contemnors appear to have genuinely realised their mistake and they appear to be truthfully contrite.

11. We are, therefore, inclined to accept the unqualified apology, tendered by the opposite parties-contemnors, keeping in view their subsequent conduct.

12. These contempt proceedings are, accordingly, closed.

(Chakradhari Sharan Singh, J.)

I. A. Ansari, ACJ. :- I agree

(I. A. Ansari, ACJ.)

Praveen-II/-

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