

(2016) 11 BOM CK 0062
In the Bombay High Court
Case No : Writ Petition No. 4744 of 2015

Manoj	Vs	APPELLANT
Arvind		RESPONDENT

Date of Decision : 29-11-2016

Acts Referred:

Land Acquisition Act, 1894 — Section 11, Section 4, Section 6

Citation : (2017) 3 AIRBomR 659 : (2017) 3 ALLMR 678 : (2017) 2 MhLJ 849

Hon'ble Judges : B.R. Gavai and V.M. Deshpande, JJ.

Bench : Division Bench

Advocate : Mr. R.L. Khapre, Advocate, for the Petitioner; Mr. M.K. Pathan, A.G.P, for the Respondent Nos. 18 & 19; S.V. Sohoni, Advocate, for the Respondent No. 20; Mr. Anand Parchure, Advocate, for the Respondent No. 21 & 22

Final Decision : Dismissed

Judgement

B.R. Gavai, J. (Oral)—Rule. Rule made returnable forthwith. Heard the learned Counsel for the parties finally by consent.

2. The petitioner has filed the present petition seeking a declaration that the proceedings of acquisition initiated by respondent no.19 for respondent no.20 vide award declared on 11.4.1996 in Land Acquisition Case No. 9147/8283 of Akola is statutorily lapsed by operation of law under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as "the 2013 Act" for the sake of brevity).

3. The facts in the present case are quite interesting. The land bearing Plot No. 33/1, Sheet No. 40A situated in the area of Akola Municipal Corporation originally owned by the petitioner in Writ Petition No. 1869/98 and Writ Petition No. 789/01 was sought to be acquired by the State Government for the purpose of Akola Municipal Corporation. The notification under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the old Act") was notified on 25.1.1983.

The notification under Section 6 of the old Act came to be published on 10.11.1984. The award came to be passed on 11.4.1996. Being aggrieved thereby, the original land owners filed Writ Petition No. 1869/98 and Writ Petition No. 789/01. In the said petitions, while admitting them, the Court had granted an interim relief of status quo of possession. By virtue of the said order, the State could not take possession. Finally, those petitions were heard and decided by a Division Bench of this Court (B.P. Dharmadhikari & S.B. Shukre, JJ.) vide judgment and order dated 18.4.2015. During the pendency of the petitions, the 2013 Act was brought into force from 1.1.2014. The petitioners therein, therefore, amended the petition that in view of 2013 Act, the land acquisition proceedings had lapsed. However, it was brought to the notice of the Court in the said proceedings by the Municipal Corporation as well as the State Government that the petitioners therein along with other family members had executed a sale deed on 8.6.2012 for a consideration of Rs.6,24,43,000/and also handed over the possession of the land in question to the present petitioners. This Court, therefore, refrained from going into the question of applicability of Section 24(2) of the said Act since in its view the petitioners therein were no more the owners of the land and had also parted with the possession after receiving valuable consideration. The said petition came to be dismissed by judgment and order dated 18.4.2015. The petitioners had challenged the same before the Hon'ble Apex Court. The SLP came to be dismissed by the Apex Court on 27.7.2015. Thereafter, the present petition has been filed on 7.8.2015.

4. Shri R.L. Khapre, learned Counsel for the petitioner, submits that in view of the judgment of Their Lordships in the case of *Pune Municipal Corporation & another v. Harakchand Misirimal Solanki & others* reported in (2014) 3 SCC 183, *Union of India & others v. Shiv Raj & others* reported in (2014) 6 SCC 564 and *Delhi Development Authority v. Sukhbir Singh and others* reported in AIR 2016 SC 4275, and in view of provisions of Section 24 of the Act, in case of acquisition of the lands prior to five years of the commencement of the 2013 Act, if the possession of the land is not taken and if the compensation is not paid, the land acquisition proceedings shall stand lapsed. The learned Counsel submits that admittedly in view of the orders passed in the earlier Writ Petitions as well as this petition the possession is not taken and, therefore, the first condition is very much applicable in the present case. He submits that admittedly the compensation is deposited in the Reference Court on 24.2.2015 and as such, the compensation is not paid prior to the commencement of the said Act. It is, therefore, submitted that the proceedings shall stand automatically lapsed.

5. Shri R.L. Khapre, learned Counsel for the petitioner, relying on the judgment in the case of *Union of India & others v. Shiv Raj & others* (cited supra) and in case of *Delhi Development Authority v. Sukhbir Singh and others* (cited supra), submits that even a bona fide subsequent purchaser will enter into the shoes of his vendor and would be entitled to the rights of the vendor. The learned Counsel submits that the property in question was bonafidely purchased after making due enquiry and, therefore, the petitioner would be entitled to the rights which were

available to the original vendors. The learned Counsel submits that the earlier two Writ Petitions have been dismissed by this Court solely on the ground that the original vendors had lost their title in the said land and, therefore, the said decisions would not preclude the present petitioner from filing the present petition.

6. No doubt that the law interpreting Section 24 of the 2013 Act is by now very well crystallized. As has been held by all the three aforesaid judgments of the Apex Court, if the acquisition of the land is prior to five years of the Act coming into effect and if two conditions are fulfilled, i.e. (1) not taking possession and (2) not depositing the compensation, the land acquisition shall stand lapsed.

7. However, we find that it will not be necessary for us to go into all these questions, inasmuch as we find that the petitioner cannot be said to be a bona fide purchaser of the said land as has been construed by Their lordships of the Apex Court in the case of *V. Chandrasekaran & Another v. Administrative Officer & others* reported in (2012) 12 SCC 133. Under the garb of raising challenge, that in view of 2013 Act the proceedings are lapsed, the petitioner in turn is seeking to challenge the acquisition proceedings which have finalized in the year 1996. As such, the challenge which is sought to be raised is after a period of 19 years.

8. To a pertinent query as to whether the petitioners were not aware about the land acquisition proceedings when the sale deed was executed in the year 2012, the learned Counsel for the petitioners states that the petitioners were not aware and the petitioners have come to know about the acquisition proceedings only when a communication was addressed by the Municipal Corporation to the original owners and a copy of which was endorsed to the petitioners as to whether the original owners were willing to give a constructed area of 5000 sq. ft. if the Corporation withdraws from the acquisition proceedings. It could thus be clearly seen that even on the own admission of the petitioner as could be seen from his letters addressed to the Commissioner, Akola Municipal Corporation dated 11.9.2012 he was very well aware about not only the acquisition proceedings but also about the pendency of the two Writ Petitions. Even after being very much aware about the Court proceedings, the present petitioners neither took any steps either to file a separate petition or at least an application for intervention in the present proceedings at that point of time. Only after the new Act came into effect on 1.1.2014 and after the Petitions and Special Leave Petitions of the original petitioners were dismissed on 18.4.2015, it appears that the petitioners have filed the present petition in order to take benefit of the fortuitous circumstance of 2013 Act coming into force.

9. The Apex Court in the case of *V. Chandrasekaran & Another v. Administrative Officer & others* (cited supra) was considering the following factual position :-

A Notification under Section 4(1) of the Land Acquisition Act, 1894 was issued on 15.5.1978 with respect to land measuring 58.59 acres, in the revenue estate of

Tambaram Village, Saidapet Taluk, Chengalpet District, Tamil Nadu, including the land which was the subject matter of the proceedings before Their Lordships of the Apex Court. A declaration under Section 6 of the old Act with respect to the said land was issued on 6.6.1981. A small number of persons interested, challenged the land acquisition proceedings by way of filing 8 writ petitions, including Writ Petition Nos. 8897 and 8899 of 1983. The said petitions were filed by some of the original tenure holders of the suit land. However, in so far as the land which was subject matter of the proceedings before the Hon'ble Apex Court, no petition was filed.

The batch of said writ petitions was allowed by a judgment and order of the Madras High Court dated 16.12.1983, thereby quashing the declaration issued under Section 6 of the said Act on the ground that the inquiry was not conducted fairly. However, while quashing Section 6 notification, the Madras High Court had upheld the Notification issued under Section 4 of the old Act and granted liberty to the Government of Tamil Nadu to continue with the said acquisition proceedings in accordance with law. Being aggrieved by the order passed by the learned Single Judge, Writ Appeals were filed before the Division Bench of the High Court. The writ appeals were allowed by the Division Bench and the notification under Section 4(1) of the Act, only in respect of the land, which constituted the subject matter of the appeals, was quashed.

Against the judgment and order of the Division Bench, the Government of Tamil Nadu preferred a Special Leave Petition before the Hon'ble Apex Court, which was dismissed vide order dated 6.5.1992. In the meantime, the award was passed which was subject matter of the proceedings before the Apex Court.

10. It appears that the second batch of writ petitions was filed before the High Court challenging the acquisition proceedings, as well as the Award. All the said writ petitions were allowed, following the earlier judgments dated 16.12.1983 and 23.8.1985 vide judgment and order dated 22.12.1986. A second award was made on 14.8.1986 in relation to the remaining part of said land, including the land which was subject matter of the proceedings before the Apex Court. It will be pertinent to note that in so far as the lands which were subject matter of the proceedings before the Apex Court are concerned, none of the interested persons/tenure holders had filed any objection under Section 5A of the said Act nor had they challenged the acquisition proceedings at any stage. It further appears that such of the persons after receiving the compensation transferred the land to some persons and ultimately the lands were sold to the persons who were the appellants before the Apex Court. The appellants before the Apex Court intended to construct flats on the said land and as such, they applied to the competent authority for obtaining necessary permission. The original tenure holders also filed application for re-conveyance which was rejected vide order dated 7.7.2008.

11. At that stage, the appellant before the Apex Court filed Writ Petition No. 6108 of 2009 praying for quashing of the Notification dated 15.5.1978, issued

under Section 4 of the Act, pertaining to the land which was subject matter of the proceedings before the Apex Court. Another Writ Petition was also filed praying for the quashing of the letter rejecting application for re-conveyance. The learned Single Judge of the Madras High Court allowed the Writ Petitions, observing therein that as the Section 6 declaration had been quashed in to and no fresh declaration was issued, the land acquisition proceedings had lapsed and hence the suit land became free from any and all acquisition proceedings. Being aggrieved thereby, the Tamil Nadu Housing Board filed writ appeals before the Division Bench of Madras High Court, which appeals were allowed and the judgment and order of the learned Single Judge was reversed.

12. The first question that was framed for consideration of Their Lordships of the Apex Court was as to whether the subsequent purchaser can challenge the acquisition proceedings. After considering the earlier judgments in the case of Pandit Leela Ram v. Union of India, AIR 1975 SC 2112, Sneh Prabha v. State of Uttar Pradesh, AIR 1996 SC 540, Union of India v. Shri Shiv Kumar Bhargava & Ors., JT (1995) 6 SC 274, U.P. Jal Nigam v. M/s. Kalra Properties Pvt. Ltd., AIR 1996 SC 1170, Star Wire (India) Ltd. v. State of Haryana & Ors., (1996) 11 SCC 698, Their Lordships have observed in paragraph nos. 17 & 18 as under:

"17. In Ajay Kishan Singhal v. Union of India, AIR 1996 SC 2677; Mahavir & Anr. v. Rural Institute, Amravati & Anr., (1995) 5 SCC 335; Gian Chand v. Gopala & Ors., (1995) 2 SCC 528; and Meera Sahni v. Lieutenant Governor of Delhi & Ors., (2008) 9 SCC 177, this Court categorically held that, a person who purchases land after the publication of a Section 4 notification with respect to it, is not entitled to challenge the proceedings for the reason, that his title is void and he can at best claim compensation on the basis of vendor's title. In view of this, the sale of land after issuance of a Section 4 notification is void and the purchaser cannot challenge the acquisition proceedings. (See also: Tika Ram v. State of U.P., (2009) 10 SCC 689).

18. In view of the above, the law on the issue can be summarized to the effect that a person who purchases land subsequent to the issuance of a Section 4 notification with respect to it, is not competent to challenge the validity of the acquisition proceedings on any ground whatsoever, for the reason that the sale deed executed in his favour does not confer upon him, any title and at the most he can claim compensation on the basis of his vendor's title."

It could thus be clearly seen that the Apex Court has clearly held that a person who purchases a land subsequent to the issuance of Section 4 notification with respect to it, is not competent to challenge the validity of the acquisition proceedings on any ground whatsoever for the reason that sale deed executed in his favour does not confer upon it any title. It has further been held that at the most he can claim compensation on the basis of the vendor's title.

13. Another question that was framed by Their Lordships was as to whether when the acquisition was challenged by one, whether the others can also take

the benefit of the same. After considering the earlier judgments, Their Lordships observed thus in paragraph no. 24 :

"24. Therefore, the law on the issue can be summarised to state that, in the event that the person interested has not filed objections in response to a notice issued under Section 5A, and has not challenged the acquisition proceedings, the quashing of the declaration issued under Section 6 in some other case, would not enure any benefit to such person. More so, where the possession of land has already been taken, and such land stands vested in the State, free from all encumbrances as provided under Sections 16 and 17(2) of the Act, prior to the date of decision of the Court quashing the declaration in to, no benefit can be taken by him. Where a party has not filed objections to the notice issued under Section 5A, the declaration qua such persons is generally neither quashed, nor does it stand vitiated qua him, by any error of law warranting interference. There is also another view with respect to this matter, which is that, in case the said land has been acquired for a Scheme, which does not fall within the ambit of "public purpose" then, in such a case, it would not be a case of acquisition under the Act, instead, it would amount to colourable exercise of power."

It could thus be seen that Their Lordships have held that in the event the person interested has not filed objections in response to a notice issued under Section 5A, and has not challenged the acquisition proceedings, the quashing of the declaration issued under Section 6 in some other case, would not enure any benefit to such person. No doubt that the reliance as placed by Shri R.L. Khapre, learned Counsel for the petitioner, on the judgment of the learned Single Judge of Madras High Court in the case of Igate Global Solutions Limited v. State of Tamil Nadu and others reported in 2014 (6) C.T.C. 6 : 2014 (5) M.L.J. 663 is justified. It will be relevant to refer to the judgment of the Apex Court in the case of Regional Manager & another v. Pawankumar Dubey reported in (1976) 3 SCC 334 wherein Their Lordships have described as to what will amount to ratio decidendi :

"7. We think that the principles involved in applying Article 311(2) having been sufficiently explained in Shamsar Singh's case (supra) it should no longer be possible to urge that Sughar Singh's case (supra) could give rise to some misapprehension of the law. Indeed, we do not think that the principles of law declared and applied so of have really changed. But, the application of the same law to the differing circumstances and facts of various cases which have come up to this Court could create the impression sometimes that there is some conflict between different decisions of this Court. Even where there appears to be some conflict, it would, we think, vanish when the ratio decidendi of each case is correctly understood. It is the rule deducible from the application of law to the facts and circumstances of a case which constitutes its ratio decidendi and not some conclusion based upon facts which may appear to be similar. One additional or different fact can make a world of difference between conclusions in two cases even when the same principles are applied in each case to similar facts."

14. It could thus be clearly seen that Their Lordships have held that even with application of same law to similarly appearing facts, but a little difference in facts would lead to totally divergent reasons. No doubt that the learned Single Judge of the Madras High Court in the said case on the facts of the said case had come to a conclusion that a subsequent purchaser was also entitled to the benefit which would accrue on 2013 Act being enacted. While coming to the said conclusion, the learned Single Judge has relied on the paragraph no. 32 of the judgment in the case of V. Chandrasekaran (cited supra) which reads thus :

"32. The general rule of law is undoubted, that no one can transfer a better title than he himself possesses; *Nemo dat quod non habet*. However, this Rule has certain exceptions and one of them is, that the transfer must be in good faith for value, and there must be no misrepresentation or fraud, which would render the transactions as void and also that the property is purchased after taking reasonable care to ascertain that the transferee has the requisite power to transfer the said land, and finally that, the parties have acted in good faith, as is required under Section 41 of the Transfer of Property Act, 1882. (Vide: *Asa Ram & Anr. v. Mst. Ram Kali & Anr.*, AIR 1958 SC 183; *State Bank of India v. Rajendra Kumar Singh & Ors.*, AIR 1969 SC 401, *Controller of Estate Duty, Lucknow v. Aloke Mitra*, AIR 1981 SC 102; *Hanumant Kumar Talesara v. Mohal Lal*, AIR 1988 SC 299; and *State of Punjab v. Surjit Kaur (Dead) through LRs.*, JT (2001) 10 SC 42)."

Their Lordships have held that the general rule of law is that no one can transfer a better title than he himself possesses. It has been held that however, the said Rule has certain exceptions and one of them was that the transfer must be in good faith for value, and there must be no misrepresentation or fraud, which would render the transactions as void and also that the property is purchased after taking reasonable care to ascertain that the transferee has the requisite power to transfer the said land. Their Lordships have further held that what is most important is that the parties must have acted in good faith, as is required under Section 41 of the Transfer of Property Act, 1882. In this background, the learned Single Judge has observed in *Igate Global Solutions Limited* (cited supra) thus :

"16. ?..... That apart, the previous vendor Mr. Sujith Cherian also represented that the original documents related to the said land were also lost, on this ground also, a public notice was issued in the Indian Express calling upon the person having any right or interest in the property or any person having custody of the original documents to lodge their claim. As there was no claim filed, the petitioners vendor proceeded to execute the sale deed dated 1.6.2001 pertaining to the property. The above steps taken by the petitioner by executing the agreement for sale dated 26.1.2001, by obtaining an order under Section 269UL(1) of the Income Tax Act and another order in O.P. No. 267 of 2001 under the Guardian and Wards Act, 1925 seeking permission for sale of the minors share by order dated 30.4.2001 bring the case of the petitioner under the

exceptions carved out in paragraph 23 of the aforesaid judgment which, as highlighted above, clearly states that if the transfer is in good faith for value and the property is purchased after taking reasonable care to ascertain that the transferee has the requisite power to transfer the land, it should be held that the parties have acted in good faith as required under Section 41 of the Transfer of Property Act. Therefore, this Court is able to see from the above order and record that the case of the petitioner is brought under the exception carved out by the Apex Court that the petitioner has acted in good faith and that the purchase was a bona fide one."

It could thus be seen that after observing that the petitioner therein had done everything to find out as to whether his vendor had a title to sell property had purchased the property. In the said case, a representation was made by the previous vendor that the original documents relating to the suit land were lost. The petitioners therein, therefore, had issued a public notice in the daily Indian Express calling upon the persons having any right or interest in the property or as to whether any person was having custody of the original documents to lodge their claim. No such claim was filed. The petitioners therein had also sought the necessary permission from the Court under the Guardian & Wards Act for sale of the minor's share. It could thus be seen that the learned Single Judge found that the petitioners therein had taken every care before entering into a transaction and as such, the case fell under exception as carved out in paragraph 32 of the judgment in the case of V. Chandrasekaran (cited supra).

15. However, the Apex Court itself has given words of caution in the said judgment. It will be relevant to refer to the following observations of the Apex Court in the case of V. Chandrasekaran (cited supra) :

"45. The judicial process cannot become an instrument of oppression or abuse, or a means in the process of the court to subvert justice, for the reason that the court exercises its jurisdiction, only in furtherance of justice. The interests of justice and public interest coalesce, and therefore, they are very often one and the same. A petition or an affidavit containing a misleading and/or an inaccurate statement, only to achieve an ulterior purpose, amounts to an abuse of process of the court.

46. In Dalip Singh v. State of U.P. & Ors., (2010) 2 SCC 114, this Court noticed an altogether new creed of litigants, that is, dishonest litigants and went on to strongly deprecate their conduct by observing that, the truth constitutes an integral part of the justice delivery system. The quest for personal gain has become so intense that those involved in litigation do not hesitate to seek shelter of falsehood, misrepresentation and suppression of facts in the course of court proceedings. A litigant who attempts to pollute the stream of justice, or who touches the pure fountain of justice with tainted hands, is not entitled to any relief, interim or final.

47. The truth should be the guiding star in the entire judicial process. "Every trial

is a voyage of discovery in which truth is the quest". An action at law is not a game of chess, therefore, a litigant cannot prevaricate and take inconsistent positions. It is one of those fundamental principles of jurisprudence that litigants must observe total clarity and candour in their pleadings. (Vide: Ritesh Tewari & Anr. v. State of Uttar Pradesh & Ors., (2010) 10 SCC 677; and Amar Singh v. Union of India, (2011) 7 SCC 69).

48. In *Maria Margarida Sequeria Fernandes & Ors. v. Erasmo Jack de Sequeria (dead)*, (2012) 5 SCC 370), this Court taking note of its earlier judgment in *Ramrameshwari Devi v. Nirmala Devi*, (2011) 8 SCC 249 held:

"81. False claims and defences are really serious problems with real estate litigation, predominantly because of ever escalating prices of the real estate. Litigation pertaining to valuable real estate properties is dragged on by unscrupulous litigants in the hope that the other party will tire out and ultimately would settle with them by paying a huge amount. This happens because of the enormous delay in adjudication of cases in our courts. If pragmatic approach is adopted, then this problem can be minimised to a large extent."

The Court further observed that wrongdoers must be denied profit from their frivolous litigation, and that they should be prevented from introducing and relying upon, false pleadings and forged or fabricated documents in the records furnished by them to the court."

It could thus be seen that Their Lordships have clearly held that the judicial process cannot be permitted to become an instrument of oppression or abuse, or a means in the process of the court to subvert justice. It has been held that the Court exercises its jurisdiction only in furtherance of justice. It has been held that the interest of justice and public interest coalesce and, therefore, they are very often one and the same. It has been held that a petition or an affidavit containing a misleading and/or an inaccurate statement, only to achieve an ulterior purpose, amounts to an abuse of process of the court. Their Lordships relying on the case of *Dalip Singh v. State of U.P. & Ors.* have observed that the truth constitutes an integral part of the justice delivery system. Their Lordships have observed that the quest for personal gain has become so intense that those involved in litigation do not hesitate to seek shelter of falsehood, misrepresentation and suppression of facts in the course of court proceedings. It has been held that a litigant who attempts to pollute the stream of justice, or who touches the pure fountain of justice with tainted hands, is not entitled to any relief, interim or final. It has further been held that the truth should be the guiding star in the entire judicial process. Their Lordships held that every trial is a voyage of discovery in which truth is the quest.

16. Their Lordships have referred to the observations in the case of *Maria Margarida Sequeria Fernandes & Ors. v. Erasmo Jack de Sequeria*, which observations in our view are nearer to the facts of the present case. It has been held in the case of *Maria Margarida Sequeria Fernandes & Ors. v. Erasmo Jack de*

Sequeria (dead), that false claims and defences are really serious problems with real estate litigation, predominantly because of ever-escalating prices of the real estate. After making the aforesaid observations, the Apex Court refused to entertain the Appeal at the behest of the appellant therein and dismissed the appeal.

17. In the present case, though Shri Khapre, learned Counsel for the petitioner, with his usual vehemence, argues that the petitioners were not aware about the land acquisition proceedings since they believed the word of the vendor, one of whom was Chartered Accountant and Income Tax Practitioner, it is difficult to believe the same. It is difficult to believe that the purchaser would agree to part with an amount of Rs.6,24,43,000/without making any enquiry. The least that the petitioner could have done was to have published a notice in the newspapers inviting objections. Admittedly, the same has not been done. Akola city is not a metropolitan city like Mumbai or Delhi wherein such a fact of the acquisition of the piece of land immediately adjacent to the premises of the Municipal Corporation would go unnoticed. Had the petitioner taken at least due care of issuing notice in the newspaper, he would have come to know that the land is already under acquisition. Not only that, but immediately after the sale deed is executed in the month of June, 2012, even believing the petitioner, he comes to know about the acquisition proceedings within a period of three months as is evident from his own letter addressed to the Commissioner, Municipal Corporation on 11.9.2012. Even thereafter he does not take any steps. At least, at this stage, he is aware about the pendency of the earlier two petitions filed by the original landowners. He could have very well filed petition at that stage or at least intervened in those proceedings. The 2013 Act comes into effect on 1.1.2014. Even thereafter for a period of one year eight months and four days, he does not find it necessary to seek the relief which is sought in the petition. Only after the earlier two petitions filed by the original landowners are dismissed on 18.4.2015 and the S.L.P. is dismissed by Hon"ble Apex Court on 27.7.2015, within ten days the petitioner finds it appropriate to file the present petition. We do not wish to observe anything as to whether there was any collusion between the original landowners and the present petitioners. We find that the dates speak for themselves. The petitioner was waiting to take chances and ultimately when the challenge by the original landowners failed up to the Supreme Court, he found it necessary to file the present petition so as to take advantage of fortuitous circumstance of the 2013 Act coming into force on 1.4.2014. We are of the considered view that the petitioner cannot be said to have acted in good faith and the purchases made by him were bona fide one.

18. In that view of the matter, we find that the petitioner's case cannot be said to be falling within the exception as carved out by the Apex Court in paragraph 32 of the judgment in V. Chandrasekaran (cited supra). We, therefore, find that the petitioner has dis entitled himself to the equitable relief under Article 226 of the Constitution of India. The petition fails on this short ground and as such, it is rejected. Rule stands discharged. In the facts and circumstances of the case,

there shall be no order as to costs.

19. At this stage, Shri R.L. Khapre, learned Counsel for the petitioner, prays for continuation of interim protection granted by us on 14.8.2015 for a period of six weeks from today. Taking into consideration that we have dismissed the petition on the ground of conduct of the petitioner, the prayer is rejected.