IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4553 OF 1996

MANAJI SAWALERAM KAMBLE.
VERSUS
BALASAHEB RAMKRISHNA GAIKWAD AND OTHERS.

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Advocate for the Petitioner : Mr. Sanket S. Kulkarni
Advocate for Respondents No. 1/A to 1/E : Mr. S. P. Shah

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WITH
CIVIL APPLICATION NO. 10094 OF 2023
IN WP/4553/1996

MANAJI SAVLERAM KAMBLE DECEASED THROUGH LRS ASHOK MANAJI KAMBLE
VERSUS
BALASAHEB RAMKRISHNA GAIKWAD DECEASED AND OTHERS

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Advocate for Applicant : Mr. Sanket S. Kulkarni

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CORAM : SACHIN S. DESHMUKH, J.

Date : 27th October, 2026

JUDGMENT :-

1. The petitioners have challenged the judgment and order dated 29.03.1996 rendered by the Maharashtra Revenue Tribunal, Pune, in Revision Application No. MRT-AH-VII-2 of 1995 allowing the revision application, endorsing the findings rendered by the Authorities below that the tenant's right to purchase the suit land had become ineffective under Section 32-O of the Bombay

Tenancy and Agricultural Lands Act, 1948. However, the Tribunal set aside the direct order of possession granted to the landlords and remanded the matter to the Authority to conduct an inquiry under Section 32-P of the Act.

2. The dispute concerns agricultural land Gat No. 335, ad-measuring 7H-78A, situated at village Karanji (Bk.), Taluka Kopargaon, District Ahmednagar. The landlord Ramkrishna Gaikwad, who passed away on 14.11.1992, had leased the land to the original tenant Manaji Savaleram Kambale, after the statutory tillers' day of 01.04.1957. The dispute pertaining to the relationship between the parties, during which the landlord initially regarded the petitioner as a trespasser and instituted Regular Civil Suit No. 391 of 1968 for possession in the Civil Court and the same led to tenancy proceedings where the Tenancy Court eventually passed a decision on 02.10.1972, declaring that the petitioner a lawful tenant and endorsing that the tenancy was created after 01.04.1957.

3. Following the declaration, the landlord presented an application before the Tenancy Authorities on 29.04.1994 under Section 32-O of the Bombay Tenancy and Agricultural Lands Act,

1948 submitting that since the tenant failed to exercise statutory right of purchase by giving the required intimation within one year from the commencement of the tenancy, the tenant lost right to purchase the property and the landlord was entitled to recover possession. The Tenancy Case No. 18 of 1994, acceded the contention and rendered the order on 17.04.1995, declaring the tenant's right ineffective and directing to hand over possession of the land to the landlord.

4. Aggrieved by the same, the petitioner presented an appeal before the Sub-Divisional Officer at Sangamner. The Sub-Divisional Officer dismissed Tenancy Appeal endorsing the order of the Authority below.

5. The petitioner challenged the dismissal by presenting a revision application under Section 76 of the Act before the Maharashtra Revenue Tribunal. On 29.03.1996, the Member of the Tribunal held that the Authorities below erred while rendering a composite order of eviction without holding the independent, mandatory inquiry required by law. Consequently, the Tribunal endorsed that the tenant's purchase right had become ineffective, however, set aside the order of possession, directing the Tribunal

to conduct a fresh inquiry under Section 32-P of the Act. Being aggrieved, the petitioner approached this Court.

6. The learned Counsel for the petitioner submitted that the Authorities below as well as the Maharashtra Revenue Tribunal, failed to appreciate the facts of the case while calculating the limitation period under Section 32-O of the Bombay Tenancy and Agricultural Lands Act, 1948. The original landlord had adopted an inconsistent stand, initially regarding the petitioner as a trespasser and dragging into civil litigation through Regular Civil Suit No. 391 of 1968.

7. The learned counsel further submitted that the statutory period of one year to send the intimation under Section 32-O ought to be calculated from the date of status was recognized, and not from the initial date of the lease. The counsel further submitted that since the status of the petitioner as a tenant was disputed, however, the Tenancy Court finally declared a lawful tenant on 02.10.1972, therefore, it was obligatory for the tenant to exercise statutory right of purchase or issue a purchase intimation during period prescribed in the provisions. Furthermore, the counsel submitted that since the landlord had previously denied the

relationship, was estopped from subsequently presenting an application claiming possession. The impugned order is contrary record and, therefore, deserves to be quashed. As such, prayed to allow the petition.

8. Per contra, the learned Counsel for the respondents supported the findings of the Authorities below submitting that the provisions of Section 32-O of the Act are mandatory and strictly time-bound and under any eventuality, the extensions of time cannot be granted de horse statutory provisions. The counsel submitted that it is an admitted fact that the tenancy was created after 01.04.1957, however, the tenant failed to give the intimation of willingness to purchase the land to the landlord and the Tribunal within the prescribed period of one year.

9. The learned counsel further submitted that the consequence of failure to issue notice are governmed by statutory provision, as such, the tenant loses right to purchase the suit land. Mere pendency of a dispute does not justify the tenant from issuing purchase notice under the law. Therefore, prayed to dismiss the writ petition.

10. Upon considering the submissions of learned counsel for litigating sides and perusing the material on record, the issue before this Court is whether the period of limitation for a tenant to exercise right of purchase under Section 32-O of the Act can be extended since the landlord had disputed the tenancy status in a civil court.

11. It is an undisputed fact that the tenancy in respect of the suit land (Gat No. 335 at village Karanji (Bk.)) was created after the tillers' day of 01.04.1957. In such situation, the rights of the tenant to purchase is governed by the provisions of Section 32-O of the Act. Under Section 32-O, a tenant who desires to exercise his right of purchase is under statutory obligation to give an intimation in writing to the landlord and the Agricultural Lands Tribunal within one year from the date of the commencement of tenancy in the prescribed form.

12. The contention of the petitioner that one-year period ought to commence from 02.10.1972 i.e. the date on which the Tenancy Court declared his status, does not deserve consideration. The language of Section 32-O is clear and unambiguous. It indicates the commencement of the limitation period to the actual creation of the tenancy and under any eventuality, not to the date

of any subsequent declaration. Statutory periods of limitation under statute must be interpreted strictly to maintain certainty.

13. Furthermore, the fact that the original landlord instituted Regular Civil Suit No. 391 of 1968 claiming the petitioner was a trespasser which does not forbear the tenant from issuing purchase notice. A tenant who claims lawful possession under a lease has to assert the statutory right to purchase within the timeline provided by the law, notwithstanding any contrary stands taken by the landlord. While failure to issue the required notice within one year from the commencement of the tenancy results in the forfeiture right of the tenant to purchase.

14. The consequence of failure to comply with the mandatory provisions of Section 32-O is absolute. Once the tenant fails to give the intimation within the prescribed period of one year, the right to purchase the land becomes ineffective. The tenant cannot reassert the right while relying on a subsequent Tenancy Court order dated 02.10.1972, since that order merely recognized a pre-existing tenancy relationship that had already been subject to the period provided in Section 32-O. Therefore, the Authorities below and the Maharashtra Revenue Tribunal had not committed

error while holding that the tenant's right of purchase had become ineffective.

15. It is also imperative to mention that the Maharashtra Revenue Tribunal, by its order dated 29.03.1996, has already protected the procedural rights of the tenant. The Tribunal rightly observed that the Authorities below erred while rendering a composite order of immediate eviction without following the statutory procedure. By setting aside the order of possession and remanding the matter for an independent statutory inquiry under Section 32-P of the Act, the Tribunal ensured that due process of law is followed.

16. Under Section 32-P of the Act, the authorities will determine the appropriate steps to be taken following the failure of the purchase. As such, there is no error in the Tribunal's order warranting interference by this Court.

17. The reliance placed by Mr. Kulkarni, the learned counsel for the petitioner, on the decision of this Court in the case of **Shamrao Tukaram Patil Vs. Deepak Shivaji Patil and Ors. (Writ Petition No. 8000 of 2017)** delivered on 11.12.2018, does

not lend support to the petitioner's case. The facts and legal propositions in the cited judgment do not alter the settled position governing the present controversy. The mandate of Section 32-O of the Act binds the commencement of the limitation period to the creation of the tenancy and under no eventuality statutory timeline can be extended or postponed to the date of a subsequent event.

18. As settled by the Hon'ble Supreme Court in the case of **Basamma & Anr. v. Goparappa and Ors. (2026 INSC 712)**, a High Court while exercising its supervisory jurisdiction under Article 226 of the Constitution cannot transform itself into an appellate court to re-appreciate evidence, well-reasoned findings of fact unless they are demonstrably perverse.

19. In view of the above, I find no illegality or perversity in the orders under challenge. The Petitioners have failed to establish grounds of illegality or any error that warranting consideration.

20. Accordingly, Writ Petition is **dismissed**.

21. The order rendered by the Maharashtra Revenue Tribunal, Pune, dated 29.03.1996 in Revision Application No. MRT-AH-VII-2 of 1995 is confirmed.

22. The Trial Court / Authority shall proceed expeditiously with the inquiry under Section 32-P of the Act as ordered by the Tribunal and conclude the same.

23. Rule is **discharged**. No order as to costs.

24. Pending civil applications, if any, also stand disposed of.

(SACHIN S. DESHMUKH, J.)

Omkar Joshi