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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8428 OF 2019

ATUL GANESH KULKARNI

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1. **Vitthal Thaku Jagdale,**
   Age Adult, Occupation: Business,
   R/at: Bobkhel, Talulka Haveli,
   District Pune

2. **Dodake Dhodade Properties**
   through partner,
   Shrirang Dnyanoba Dhobade,
   Age 49 years, Occupation Business,
   R/at: Bobkhel, Taluka Haveli,
   District Pune 411 031 … **Petitioners**

V/s.

1. **Nitin Suresh Kadam**,
   Age Adult, Occu.: Business/Agriculture,
   R/at Kadam Niwas, Opposite Vishal
   Theatre & Hotel Roxy, Pimpri 411 018

2. **Sanjay Shashikant Kadam**,
   Age Adult, Occupation Agriculture

3. **Vivek Shashikant Kadam**,
   Age Adult, Occupation Agriculture

4. **Ulhas Shashikant Kadam**,
   Age Adult, Occupation Agriculture,
   Nos.2 to 4, R/at Kadam Niwas,
   300, Juna Bazar, Gadi Addaa,
   Khadki, Pune 411 030

5. **Aruna Mohanrao Dilkar**,
   Age Adult, Occupation Housewife,
   R/at: 15/4/77/88/81/2, 2nd Floor,
   Osamashi, Hyderabad, 500 012
   Andhra Pradesh

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6. **Anita Vishnupandit Khele**,
   Age Adult, Occupation Household,
   R/at: Janaki Bungalow, Shivdatta
   Colony, N8 C Sector Cidco,
   Aurangabad 431 003

7. **Asha Ratan Kadam**,
   Age Adult, Occupation: Household

8. **Ganesh Ratan Kadam**,
   Age Adult, Occupation Business,

9. **Mangesh Ratan Kadam**,
   Age Adult, Occupation Business,
   Nos.7 to 9, R/at: 206/1, 1st Floor,
   Raj Plastic Building, Opposite
   Vishal Theatre, Pimpri

10. **Varsha Mangesh Ponarkar**,
    Age Adult, Occupation Household,
    R/at: Subhadra Bungalow, Bhavani
    Nagar, Near Raghvendra Swami Math,
    Hubli, Karnataka 580 023

11. **Arti Nitesh Bhise**,
    Age Adult, Occupation Household,
    R/at: Flat No.25, 4th Floor,
    Bhakti Complex, Kharalwadi,
    Pimpri, Pune 411 018

12. **Shalin Suresh Kadam**,
    Age Adult, Occupation Household,

13. **Sachin Suresh Kadam**,
    Age Adult, Occu.: Business/Agriculture,
    Nos.12 & 13 R/at Kadam Niwas,
    Opposite Vishal Theatre & Roxy Hotel,
    Pimpri – 411 018

14. **The State of Maharashtra**,
    through Principal Secretary,
    Revenue and Foresh Department,
    Mantralaya, Mumbai

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15. **Sub-Divisional Officer,**
Haveli, Pune.

16. **Tahsildar and Agricultural Tribunal**,
Haveli, Pune
Nos.14 to 16, notice to be served on the
Government Pleader, Appellate Side,
Room No.4, P.W.D. Building,
High Court, Bombay. … **Respondents**

WITH
WRIT PETITION NO.8490 OF 2019

1. **Vitthal Thaku Jagdale,**
Age Adult, Occupation: Business,
R/at: Bobkhel, Talulka Haveli,
District Pune

2. **Dodake Dhodade Properties**
through partner,
Shrirang Dnyanoba Dhobade,
Age 49 years, Occupation Business,
R/at: Bobkhel, Taluka Haveli,
District Pune 411 031 … **Petitioners**

V/s.

1. **Sanjay Shashikant Kadam**,
Age Adult, Occu.: Business/Agriculture.

2. **Vivek Shashikant Kadam**,
Age Adult, Occupation Agriculture

3. **Ulhas Shashikant Kadam**,
Age Adult, Occupation Agriculture,
Nos.1 to 3, R/at Kadam Niwas,
300, Juna Bazar, Gadi Addaa,
Khadki, Pune 411 030

4. **Aruna Mohanrao Dilkar**,
Age Adult, Occupation Housewife,
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   Colony, N8 C Sector Cidco,
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6. **Asha Ratan Kadam**,
   Age Adult, Occupation: Household

7. **Ganesh Ratan Kadam**,
   Age Adult, Occupation Business,

8. **Mangesh Ratan Kadam**,
   Age Adult, Occupation Business,
   Nos.6 to 8, R/at: 206/1, 1st Floor,
   Raj Plastic Building, Opposite
   Vishal Theatre, Pimpri

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   Age Adult, Occupation Household,
   R/at: Subhadra Bungalow, Bhavani
   Nagar, Near Raghvendra Swami Math,
   Hubli, Karnataka 580 023

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    Age Adult, Occupation Household,
    R/at: Flat No.25, 4th Floor,
    Bhakti Complex, Kharalwadi,
    Pimpri, Pune 411 018

11. **Shalin Suresh Kadam**,
    Age Adult, Occupation Household,

12. **Sachin Suresh Kadam**,
    Age Adult, Occu.: Business/Agriculture,
    Nos.12 & 13 R/at Kadam Niwas,
    Opposite Vishal Theatre & Roxy Hotel,
    Pimpri – 411 018

13. **The State of Maharashtra**,
    through Principal Secretary,
    Revenue and Foresh Department,
    Mantralaya, Mumbai

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14. **Sub-Divisional Officer,**
Haveli, Pune.

15. **Tahsildar and Agricultural Tribunal,**
Haveli, Pune
Nos.13 to 15, notice to be served on the
Government Pleader, Appellate Side,
Room No.4, P.W.D. Building,
High Court, Bombay. ... **Respondents**

WITH
INTERIM APPLICATION (ST.) NO.92775 OF 2020
IN
WRIT PETITION NO.8428 OF 2019

Nitin Suresh Kadam & Ors. ... Applicants

In the matter between

Vitthal Thaku Jagdale & Anr. ... Petitioners

V/s.

Nitin Suresh Kadam & Ors ... Respondents

Mr. Prasad Dhakephalkar, Senior Advocate (through VC) i/by Mr. Jaydeeo Deo for the petitioner.

Mr. Abhishek Kulkarni with Mr. Sagar Wakale for respondent No.1 in WP/8428/2019.

Mr. P.R. Katneshwarkar, Senior Advocate with Mr.Sagar Kursija, Ms. Kushi Verma, i/by Mr. Vikrant Suryawanshi for respondent No.1 in WP/8490/2019.

Mrs. V.S. Nimbalkar, AGP for respondent Nos.14 to 16-State.

Mr. Rajesh More (through V.C.) for the Applicants in IA, for respondent Nos.12 & 13 in WP/8428/2019 & for respondent Nos.11 and 12 in WP/8490/2019.

CORAM : AMIT BORKAR, J.

RESERVED ON : APRIL 8, 2024

PRONOUNCED ON : MAY 5, 2025

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JUDGMENT:

1. These petitions under Article 227 of the Constitution impugns the order dated 21st February 1975 passed by the concerned tenancy authority ("Mamlatdar") purportedly under Section 32R and 32P of the Bombay Tenancy and Agricultural Lands Act, 1948 ("the Tenancy Act"). By that order, the petitioner – a purchaser of agricultural land – was evicted on the ground of not personally cultivating the land, and the land was directed to be resumed/disposed of. The petitioners have challenged the legality and propriety of the common judgment and order dated 17th July 2019 passed by the learned Member, Maharashtra Revenue Tribunal, Pune, in Revision Application Nos. 4 of 2017 and 7 of 2017, whereby the Tribunal allowed the said revision applications preferred by respondent Nos.1 and 2 to 13, and thereby set aside the judgment and order dated 23rd October 2017 passed by the Sub-Divisional Officer, Pune.

2. The facts giving rise to the present writ petition are rooted in a long-standing tenancy and ownership dispute in respect of agricultural land bearing Survey No.152/1 admeasuring 3 Hectares and 2 Ares, situated at village Bakul, Taluka Haveli, District Pune. The land in question originally belonged to the predecessor-in-title of respondent Nos.1 to 13.

3. The father of petitioner No.1 was a tenant in possession of the said land as on the tillers' day, i.e. 1st April 1957. In an enquiry held under Section 32G of the Bombay Tenancy and Agricultural Lands Act, 1948 (hereinafter referred to as "the Tenancy Act"), the

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Agricultural Land Tribunal, Haveli, by order dated 22nd June 1964, declared the father of petitioner No.1 as the deemed purchaser of the said land.

4. Pursuant to the said order, the purchase price of the land was determined at Rs.3,960/-. The father of petitioner No.1 deposited the entire purchase price along with interest totalling Rs.4,816.63 within the prescribed time. Upon such compliance, the Agricultural Land Tribunal, by order dated 29th July 1972, issued a certificate under Section 32M of the Tenancy Act, thereby confirming the father of petitioner No.1 as the lawful purchaser of the land.

5. According to the petitioners, it was only in the year 2008, upon obtaining the 7/12 extract of the said land, that petitioner No.1 realised that the name of his father did not appear in the revenue records. Upon further enquiry, the petitioners learnt that proceedings under Section 32P of the Tenancy Act had been initiated against the father of petitioner No.1 and that an order under Section 32P had been passed to resume the land.

6. It is the case of the petitioners that the father of petitioner No.1, being an illiterate person and aged about 82 years in 1975, was not aware of the legal implications of such proceedings. They contend that the said proceedings were conducted behind his back and were vitiated by fraud. Two eviction orders dated 21st February 1975 and 29th April 1975 were passed against the petitioners' father.

7. Upon coming to know of the above proceedings and the resultant orders, petitioner No.1 preferred Tenancy Appeal No.17

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of 2009 before the Sub-Divisional Officer, Pune, along with an application for condonation of delay. The said appeal was allowed by the Sub-Divisional Officer vide order dated 1st October 2010.

8. Respondent Nos.1, 12 and 13 challenged the said order before the Maharashtra Revenue Tribunal by filing Revision Application No.138 of 2010. By order dated 12th November 2012, the Tribunal allowed the said revision solely on the ground that the Sub-Divisional Officer had not decided the application for condonation of delay before deciding the appeal on merits. Consequently, the Tribunal remitted the matter back.

9. Aggrieved thereby, the petitioners approached this Court by filing Writ Petition No.50 of 2013. This Court, by judgment and order dated 9th January 2013, allowed the writ petition and remanded the matter to the Sub-Divisional Officer to consider the application for condonation of delay on its own merits.

10. The Sub-Divisional Officer, upon hearing the parties, allowed the application for condonation of delay by order dated 19th July 2013. During the pendency of appeal, respondent Nos.2 to 11 filed an application seeking intervention, claiming that after the orders dated 21st February 1975 and 29th April 1975 were passed, the land was returned to the Kadam family (predecessor-in-title of respondents) under Section 32B of the Tenancy Act, and that an amount of Rs.3,960/- was deposited by the joint family of Rajaram Kadam towards repurchase.

11. The application for intervention was allowed. The Sub-Divisional Officer reheard the matter and by a detailed judgment

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and order dated 23rd October 2017 allowed the appeal filed by the petitioners, setting aside the earlier orders of eviction.

12. Aggrieved by the said decision, respondent No.1 preferred Revision Application No.4 of 2017 and respondent Nos.2 to 11 preferred Revision Application No.7 of 2017 before the Maharashtra Revenue Tribunal. The Tribunal, after hearing both parties, allowed the said revision applications by a common judgment and order dated 17th July 2019, which is impugned in the present writ petition.

13. Shri Dhakephalkar, the learned Senior Advocate appearing on behalf of the petitioners, has raised serious contentions questioning the legality of the order passed under Section 32R the Tenancy Act. He submitted that on a plain and purposeful reading of Section 32P of the Tenancy Act, it is evident that the said provision becomes applicable only when the deemed purchaser fails to personally cultivate the land and instead inducts a third party in possession of the suit land. The learned Senior Counsel urged that even assuming that the father of petitioner No.1 had left the land fallow for a period, such conduct does not amount to failure of personal cultivation, unless there is clear and cogent evidence to show that possession was parted with or a third party was inducted for cultivation. He submitted that if the provision is construed to mean that mere non-cultivation, even without handing over possession, would entail resumption, then the word “personally” occurring in the expression “fails to cultivate the land personally” would be rendered redundant and otiose. Such an interpretation, according to him, would defeat the legislative

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intent and the beneficial object of the Tenancy Act, which was designed to protect and confer security of tenure upon tillers of the soil.

14. It was further submitted that the entire proceedings under Section 32P of the Act were vitiated on the ground of want of effective notice and understanding of the nature of proceedings by the illiterate and aged father of petitioner No.1, who was around 82 years of age at the relevant time. In this context, it was contended that the so-called statement attributed to the father of petitioner No.1 viz., that he had kept the land fallow, appears to be a solitary line recorded on the same date on which the eviction order itself came to be passed. There is no contemporaneous record to demonstrate any voluntary relinquishment of rights or acknowledgment of default on the part of the tenant. No panchanama or possession receipt has been drawn to indicate that possession of the land was ever resumed or taken back from the petitioner's father pursuant to the said order. In absence of any such evidence, it is submitted that the order dated 21st February 1975 is a mere paper order, passed perfunctorily to dispossess an illiterate tenant of his statutorily vested rights.

15. In support of his submissions, the learned Senior Advocate placed reliance upon the judgment of the Supreme Court in the case of *Amrut Bhikaji Kale vs. Kashinath Janardhan Trade*, (1983) 3 SCC 437, wherein the Apex Court in paragraph 11 has taken judicial notice of the fact that many tenants, due to their illiteracy and socio-economic backwardness, often fail to comprehend legal proceedings initiated against them. The Supreme Court observed

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that a major agrarian reform, such as the grant of ownership rights to tenants under the Tenancy Act, cannot be permitted to be defeated by devious tactics or mechanical and uninformed decisions rendered by lower-level revenue officers. The Court held that such procedural lapses, coupled with lack of legal awareness, can frustrate the very object of welfare legislation, and hence orders passed in such circumstances warrant close judicial scrutiny.

16. It was further contended that the issue of delay in filing the appeal in the year 2009 does not survive for consideration in the present petition, as the application for condonation of delay has already been allowed by the Sub-Divisional Officer vide order dated 19th July 2013. That order has not been challenged by the respondents at any stage, and has attained finality in law. Hence, the issue of delay cannot be reopened indirectly in these proceedings.

17. In view of the above submissions, the learned Senior Advocate vehemently urged that the judgment and order dated 17th July 2019 passed by the Maharashtra Revenue Tribunal suffers from a patent error of law and is liable to be quashed and set aside. He submitted that the Tribunal has failed to consider the substantive rights acquired by the petitioners' predecessor under Section 32G read with Section 32M of the Tenancy Act, and has mechanically relied upon a procedurally flawed and substantively unjust order passed in the year 1975.

18. Per contra, Shri Katneshwarkar, learned Senior Advocate appearing on behalf of the contesting respondents, has opposed

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the writ petition on multiple grounds. At the outset, he submitted that the delay of more than 33 years in filing the appeal by the petitioners has not been explained with sufficient or convincing reasons, and therefore, the petitioners are not entitled to any discretionary relief under Article 227 of the Constitution of India. It was urged that the inordinate delay is fatal and strikes at the root of the maintainability of the proceedings initiated by the petitioners. The learned counsel submitted that the allegations regarding the impugned order dated 21st February 1975 having been obtained by fraud are vague, lacking in particulars, and devoid of substance. He pointed out that the record itself bears testimony to the fact that the said order was read over and explained to the father of petitioner No.1 in Marathi. Not only was he present during the proceedings, but he was also informed of his rights, including the remedy of appeal. Despite this, the original tenant chose not to prefer any appeal or legal challenge, which indicates that he accepted the said order voluntarily.

19. It was further contended that the father of petitioner No.1 had himself made a voluntary statement before the competent authority, to the effect that the land in question was kept fallow for the preceding four years, and the reason assigned for such non-cultivation was that he had obtained a loan from the bank and could not cultivate the land. This admission, according to the learned counsel, amounts to a clear acknowledgment of default in compliance with the condition of personal cultivation and justifies the invocation of the provisions under Section 32P of the Tenancy Act. He submitted that this statement is binding not only on the

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original tenant but also on his legal heirs, the petitioners herein.

20. The learned advocate further argued that the order passed in the year 1975 has attained finality. No challenge was raised by the affected party at the relevant time. In such circumstances, reopening settled rights after a lapse of more than three decades on technical grounds ought not to be permitted. He submitted that the presumption of regularity of official acts attaches to the proceedings held under the Tenancy Act and, absent any clinching material to the contrary, the belated and unsubstantiated allegations raised now by the petitioners do not merit judicial interference.

21. The learned counsel sought to distinguish the judgment of the Supreme Court in the case of *Amrut Bhikaji Kale (Supra)*, relied upon by the petitioners. He submitted that the said judgment was rendered in the context of proceedings under Section 32F of the Tenancy Act, which deals with failure to tender purchase price within the stipulated time. In that case, the Supreme Court permitted challenge in collateral proceedings on the ground that the order was a nullity. However, the facts of the present case are entirely distinguishable, as here the father of petitioner No.1 was admittedly given an opportunity to file an appeal but did not avail the same. Therefore, the ratio of the said judgment, according to the learned counsel, has no application to the facts at hand.

22. He further submitted that the statement made by the tenant that the land was fallow for the past four years and that the

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revenue entries showing cultivation were incorrect clearly demonstrated that the tenant had abandoned personal cultivation. The tenant also admitted that he had obtained a loan and had not taken prior permission of the Collector, which also supports the case of the respondents that there was a breach of statutory condition under the Tenancy Act. In such circumstances, the competent authority was fully justified in passing the order for resumption of land.

23. The learned counsel concluded by submitting that no case for interference under Article 226 of the Constitution is made out. The order passed by the Maharashtra Revenue Tribunal is well-reasoned, consistent with the record, and does not suffer from any jurisdictional error or perversity warranting interference. He, therefore, prayed for dismissal of the writ petition with costs.

24. Having heard the learned counsel for the parties and having perused the material on record, the following issue arises for consideration:

> "Whether mere failure of the tenant to cultivate the land personally, in absence of proof of abandonment or unlawful transfer of possession, would justify resumption of land under Section 32R of the Tenancy Act?"

25. In order to answer this issue, it is necessary to appreciate the object and scheme of the Tenancy Act, which is a social welfare legislation intended to protect the interests of tillers of the soil. Section 32 read with Section 32G confers ownership rights upon tenants from 1st April 1957 (Tillers' Day), subject to certain

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conditions. Once such ownership is vested, it is a statutory right, and any divestment thereof must be in accordance with express statutory provisions.

26. Section 32P of the Bombay Tenancy and Agricultural Lands Act is titled "Power of Tribunal to resume and dispose of land not purchased by tenant". In simple terms, this section gives power to the Tribunal to take back the land and give it to someone else if the tenant's purchase of land under Section 32 does not succeed. This can happen in two main situations –

(a) where the deemed purchase by the tenant fails under earlier provisions of the Act, such as when the tenant is found ineligible, or fails to pay the purchase price in time, or voluntarily gives up the purchase; and

(b) where the tenant does not exercise his right to purchase in time, for example under Section 32F, which applies when the landlord was a minor or disabled, and the tenant had to act within one year after such disability ended.

27. In such situations, after a formal inquiry, the Tribunal can cancel the tenant's rights and take steps to give the land to someone else. Section 32P(2) explains how this is to be done – first, by ending the tenancy and removing the tenant, and then by selling or allotting the land to persons from a priority list. This list includes cooperative societies, landless labourers, and others who need land for cultivation. In some cases, the same tenant may be given first priority again if his default was not deliberate or due to fraud. Thus, Section 32P ensures that agricultural land is used

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properly and not wasted when the tenant's right to purchase fails.

28. Section 32R, which forms part of the statutory scheme, enables the landlord or the Collector to initiate proceedings for resumption only if it is found that the tenant has failed to cultivate the land personally. Section 32R is a separate provision added to strengthen the policy that only those who cultivate land personally should hold its ownership. The section clearly says that if a tenant, after buying the land, stops cultivating it personally, then unless the Collector excuses him for good reason, he can be removed and the land shall be dealt with under Section 84C. This means that the tenant-turned-owner must continue cultivating the land himself. If he fails to do so and cannot give a valid reason, he can be evicted, and the land will be redistributed just like in the case of failed purchase. Section 84C allows the Mamlatdar to remove persons in unauthorized possession and take steps to give such land to others. Therefore, Section 32R imposes a continuing condition on the tenant, to personally cultivate the land even after the purchase, failing which his right can be taken away. However, such power must be exercised cautiously and sparingly, considering the serious consequence of extinguishment of vested ownership rights.

29. Thus, the power under Section 32R must be interpreted in consonance with the object of agrarian reforms, and any lapse in cultivation must be of such gravity and duration that it amounts to irreversible abandonment of cultivation and possession by the tenant. Temporary inability due to economic hardship, illness, old age, or other reasonable grounds cannot be treated as sufficient to

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extinguish ownership. It is also settled law that when a right is statutorily vested in a person under a beneficial legislation, it cannot be taken away on mere technicalities. The provisions of the Tenancy Act must be construed liberally in favour of the tenant, and strict compliance with the preconditions of forfeiture must be insisted upon. In light of the above, this Court is of the considered view that Section 32R contemplates only such failure to cultivate which amounts to complete relinquishment of ownership and possession, and not every lapse or omission. The interpretation must uphold the legislative mandate to protect the tiller's rights, and not render it vulnerable to procedural shortfalls.

30. The relationship between Sections 32P and 32R can be understood in this way, Section 32P applies when the tenant's purchase of land does not go through or is cancelled (for example, for failing to pay the purchase price or not exercising the right in time). Section 32R applies when the tenant has already bought the land but later stops cultivating it personally. In both cases, the result is the same, the land is taken back by the State and given to others. In the present case, the 1975 order referred to Section 32R as the reason but passed the order under Section 32P, which shows that both provisions work together. This Court holds that Section 32R is not a standalone penal section. It works along with Section 32P. When the Collector finds that the buyer has failed to personally cultivate the land without any just cause, Tribunal may use Section 32R to hold the tenant liable, and then use Section 32P(2) or Section 84C to redistribute the land. In law, such failure to cultivate is treated as making the earlier purchase ineffective.

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So, even though the purchase had happened earlier, the later breach of conditions makes it invalid in the eyes of law.

31. Based on the above, the Court holds that Sections 32P and 32R together give power to the Tribunal to take back the land from a tenant-purchaser who is not cultivating it himself. However, this power cannot be used arbitrarily. It must be used only when the purchase fails either from the beginning or later due to violation of conditions like personal cultivation. Section 32R shows the law's intention that land given to a cultivator must be used for cultivation. But the law also gives protection, if the tenant has a valid reason for not cultivating (such as illness or natural calamity), the Collector has the power to excuse such failure. Hence, eviction is not automatic. The Tribunal must first hold a proper inquiry under Section 32P(1) and give the tenant a chance to explain. Only if no sufficient reason is shown, eviction can be ordered and the land can be given to someone else as per Section 32P(2) or 84C.

32. In summary, the law requires a careful approach in such cases. Before resuming land, the authority must prove three things–

(a) that the tenant has in fact failed to cultivate the land personally,

(b) that there is no valid reason for such failure, and

(c) that proper legal procedure was followed including giving notice, holding hearing, and conducting inquiry.

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With this legal understanding, I now examine whether in the present case, the facts really justified using Sections 32P and 32R, and whether the tenant's non-cultivation was enough to resume the land.

Does Non-Cultivation Without Parting Possession Justify Resumption?

33. In the present case, the basic factual situation is that the tenant had not cultivated the land in question for a certain period. The documents show that for four years before the year 1975, the land was lying uncultivated. The reason, as seen from the record, was the tenant's old age and weak health. It is also a fact that the tenant did not give the land on rent to anyone else (sub-letting), nor did he leave the land and go away. He continued to remain in actual possession of the land till the eviction order was carried out. The land remained fallow (uncultivated), but it was not in someone else's hands. The issue before this Court is whether such a situation can be considered as a failure to "personally cultivate the land" as stated under Section 32R of the Tenancy Act.

34. It is a settled principle in agrarian jurisprudence that the Tenancy Ac is a beneficial legislation, enacted with the objective of conferring ownership rights upon actual tillers of the land and eradicating absentee landlordism. Amongst the various provisions introduced to achieve this purpose, Section 32 and the scheme relating to deemed purchasers play a pivotal role. Under the statutory scheme, a tenant who fulfills the conditions prescribed under Section 32 is deemed to have purchased the land on the

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Tillers' Day, that is, 1st April 1957, and becomes the statutory owner, subject to the procedure under Sections 32G to 32P. The ownership so vested is a product of statutory compulsion arising from social welfare and land reform policies adopted by the State. In such a context, the right conferred upon the tenant to become owner of the land is not contractual or discretionary, but statutory and compulsorily vested, unless divested in accordance with express and strictly construed provisions of the Act.

35. At this stage, it is necessary to emphasise the special importance of Section 32R of the Act. This provision is exceptional and unique within the entire scheme of the Act. It is the only section which permits taking back the ownership rights that have already been legally given to a tenant-purchaser by operation of law. This section is not just a procedural tool; rather, it is a substantive exception to the general rule and purpose of agrarian reform under Section 32, which ensures that the tenant who actually cultivates the land eventually becomes its rightful owner.

36. The real purpose of Section 32R is not to undo the reform, but to control its misuse, and ensure that only those who continue to cultivate the land personally enjoy the benefit of ownership. Hence, whenever authorities or landlords rely on Section 32R, they must act with serious legal responsibility and caution, keeping in mind the constitutional values behind land reform.

37. To take away such ownership, the failure to cultivate the land must be of a serious kind. It must not be a small lapse, or something caused by genuine difficulties like illness, old age, or

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poverty. It must be clearly shown that the tenant consciously and voluntarily stopped cultivating the land, and that such non-cultivation was for a long period and done with the intention to give up the land permanently. Only then can such a harsh step of cancelling ownership be justified. The Legislature, while framing Section 32R, did not intend it to be a punishment. It is meant to regulate the benefit of ownership and ensure that people who misuse the Act without genuinely cultivating the land do not continue to enjoy the rights granted under the law. This provision helps maintain the core purpose of land reform, which is to give land to those who actually till it. It is not meant to allow landlords to take back land just because the tenant missed one or two crop seasons.

38. Therefore, whenever Section 32R is used, the law requires a proper and detailed inquiry. The tenant must be given a fair chance to explain why he could not cultivate the land, and the decision must be made not by focusing only on small technical faults, but by looking at the matter from the larger perspective of social justice and fairness in agriculture.

39. The Supreme Court in the case of *K.T. Plantation Pvt. Ltd. v. State of Karnataka, (2011) 9 SCC 1*, has clearly explained that even after the Forty-Fourth Amendment to the Constitution, the right to property, though no longer a fundamental right, still remains a protected constitutional right under Article 300A. The Constitution Bench of the Supreme Court clarified that a person can be deprived of his property only by a law which is just, fair, reasonable and proportionate to the object it wants to achieve. The

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Court further explained that any such action must follow fair procedure, must be proportionate to the situation, and should serve a genuine public interest. These are basic and essential conditions which must be satisfied before anyone's property rights can be taken away.

40. When this legal principle is applied to the Tenancy Act, and particularly to Section 32R, it becomes clear that the law allows the State or landlord to take back land from the tenant-purchaser only in limited and exceptional situations. The Tenancy Act was brought into force as part of India's land reform movement, with the aim of giving ownership to those who actually cultivate the land. The Act was not meant just to end landlordism, but also to achieve social and economic justice for farmers. This law reflects a larger public interest, which is not about keeping land with rich landowners, but about ensuring that land is distributed in a fair way to those who work on it, as promised in Articles 38 and 39(b) of the Constitution.

41. Therefore, Section 32R, which allows the land to be resumed from a deemed purchaser if he fails to cultivate it, should not be read in a way that gives the landlord an easy way to get the land back. It should not become a tool to cancel the rights of the tenant over small or technical issues. The real purpose behind this section is to ensure that the land continues to be cultivated, not to punish the tenant. The law must be used to regulate, not to undo the rights already given to the tenant-purchaser under the land reform scheme.

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42. The Court must also be careful not to allow misuse of this provision. If small gaps or temporary issues in cultivation are treated as grounds for taking the land back, it would go against the very purpose for which the Tenancy Act was made. As clearly held by the Supreme Court in *K.T. Plantation* (supra), just because a law exists, does not mean it can be used in any manner. Even if the law allows property to be taken back, the way in which it is done, the reasons behind it, and the process followed must all be fair, lawful, and honest. If the tenant's failure to cultivate is temporary, unintentional, or something that can be corrected, there is no real public interest in taking away his land.

43. If Section 32R is interpreted in such a way that the landlord can use it to claim back land for minor issues like missing one crop cycle or being absent from the land for a short period it would destroy the very foundation of land reform laws. A law that was made to protect farmers would then start working against them. Such an interpretation must be strictly avoided. This section should be used only in cases where the tenant's failure to cultivate shows a clear and permanent intention to give up the land, and this should be proven through a fair and detailed process.

44. If the law is interpreted in any other way, it would defeat both the moral values and constitutional purpose of the Tenancy Act. The Court has a duty to ensure that land reform laws are not misused by those who wish to reverse the progress made in protecting farmers' rights. Provisions like Section 32R, which are exceptions to the rule of giving ownership to tenants, must be interpreted in a limited and careful manner, so that the larger

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public interest in ensuring land justice is preserved.

45. When we read Section 32R(1) carefully and in context, it becomes clear that before this power is exercised, there must be proof that the tenant-purchaser failed to cultivate the land personally. But even this is not enough by itself. To take away his ownership, such failure must fall within the meaning and purpose of the Act. Mere proof of non-cultivation is not sufficient. The authorities must look at the full background and ask whether the tenant has completely abandoned the land or misused the legal benefits given to him. The Act does not support a mechanical or routine cancellation of ownership. What is required is a well-reasoned and lawful decision that respects both the tenant's rights and the purpose of the tenancy law.

46. Section 32R uses the words “fails to cultivate the land personally”. The simple meaning of “fail” in this setting is not doing something that one is supposed to do. The law requires the purchaser to do cultivation by his own effort or under his supervision. The question arises, if a person leaves his land fallow (uncultivated), does that mean he has failed to personally cultivate it? If we look at the words strictly, then yes, if the land is not being tilled at all, it is not being cultivated, whether personally or otherwise. So, any period of uncultivation may technically amount to non-cultivation. However, the law, especially one that relates to social and economic welfare, is not to be read in a dry or mechanical manner without looking at its background. In farming, sometimes the land is kept fallow for natural reasons like giving time for the soil to recover, for changing crops, or due to genuine

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personal problems. The Act does not say how long such failure must continue before action can be taken.

47. The structure and intention of Section 32R suggest that only a serious or meaningful failure to cultivate would amount to a breach. The law does not intend to punish every small lapse. The purpose of taking back land from a purchaser under Section 32R is to ensure that land is not wasted or misused, and that it remains with real cultivators. This is meant for cases where the tenant completely gives up cultivating like when he moves away from the land, allows it to waste, or lets someone else cultivate it in violation of the rule of personal cultivation. In such cases, the goal of the "tiller's day" that is, giving land to those who actually till it, is defeated.

48. In conclusion, the failure to cultivate the land under Section 32R must not be viewed in isolation, but must be assessed in the backdrop of the totality of circumstances, including the conduct of the tenant, his ability, age, health, economic condition, and any lawful impediments. Only when the cumulative evidence indicates a complete and deliberate withdrawal from cultivation, can the drastic consequence of forfeiture be invoked. Any other interpretation would render the remedial and reformative object of the Tenancy Act nugatory and open doors for abuse of process by landlords, defeating the very spirit of the legislation.

49. But in the present case, the situation is not like that. The tenant did not give the land to any third person for cultivation, so he did not violate Section 27 of the Act which prohibits sub-letting.

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He also did not use the land for any non-farming purpose like construction, so Section 43 (which bans use of agricultural land for non-agricultural purposes without permission) is not attracted. The land was left uncultivated, likely with the hope that some family member would cultivate it, or that he himself would recover and resume farming. There is no material to show that the tenant had any intention to permanently stop farming or misuse the land. His failure appears to be due to personal incapacity, not deliberate abandonment.

50. This Court is of the opinion that if a tenant-purchaser does not cultivate the land personally and has no valid legal reason, then it amounts to a breach of Section 32R of the Tenancy Act. However, whether such breach should lead to eviction or not depends on the facts and circumstances of each case. The requirement of personal cultivation under the Act is strict, but it is not without exception. The law itself provides a safeguard – the Collector may condone the failure if there is "sufficient reason". Therefore, while not cultivating the land is a serious issue, the decision to evict must be taken after considering the reason for such failure.

51. The learned Advocate for the petitioner argued that since the tenant had never given up possession of the land to any third party, he should not be evicted. It is true that continuing possession by the tenant is an important factor, as it shows that he did not sublet or abandon the land. But mere possession is not enough. The objective of the Tenancy Act is not just to protect possession, but to ensure active cultivation. So, even if no sub-

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letting took place, the tenant is still expected to cultivate the land. The absence of a third party may save him from the charge of sub-letting under Section 27, but it does not automatically excuse non-cultivation under Section 32R.

52. On the other hand, the argument of the respondent that any instance of non-cultivation should directly result in eviction is also not acceptable. If such a strict view is adopted, then even if the land is kept fallow for one season due to genuine reasons like illness or poor rainfall, the tenant would face eviction unless the Collector condones the lapse. This would make the law extremely harsh and would discourage genuine farmers from facing any risk or difficulty. It is unlikely that the legislature ever intended to evict a farmer merely because he could not cultivate during a difficult year. That is precisely why the legislature included a clause allowing the Collector to condone such failures for "sufficient reasons". This ensures that eviction does not happen in cases of genuine hardship or temporary inability.

53. From the wording of the order, it seems that the ALT treated any failure to cultivate as enough to evict the tenant. This approach appears to be legally incorrect. If the legislature had intended that any failure to cultivate must lead to eviction without any exception, it would not have included the clause "unless the Collector condones such failure for sufficient reasons" in Section 32R. In fact, Explanation I to Section 2(6) of the Act states that even if a person is physically unable, he would still be considered to be personally cultivating the land if he arranges for it to be cultivated by hired labour or servants. This shows that the law is

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sensitive to the problems of old or disabled tenants. In the present case, although the tenant did not make alternative arrangements for cultivation, it was due to lack of knowledge or financial capacity. His case cannot be said to be completely hopeless. The ALT, by evicting him straightaway, deprived him of any chance to arrange cultivation through family or helpers.

54. Therefore, this Court finds that in the special facts of this case, simply because the land was left fallow, it was not a strong enough reason to take away the land from the tenant permanently. At the very least, the authority was expected to inquire into the cause of non-cultivation and whether the tenant could resume cultivation if given help or some time. The Act, in fact, provides that if land is resumed, the evicted tenant can even be given first preference to get the land back under Section 32P(2), which shows that the law does not treat eviction as a punishment but as a last resort. Although this provision may apply more often to cases where purchase fails due to technicalities, it shows the spirit of the law – to avoid eviction unless absolutely necessary.

55. While arriving at this conclusion, this Court does not in any way dilute the force of Section 32R. It is clear that if a tenant-purchaser deliberately abandons cultivation and has no valid justification, then eviction is certainly legal and proper. But where the failure is due to genuine hardship, such as illness or old age, and not due to a wilful violation of law, then the authority must act with fairness and apply its mind to the proportionality of the action. As observed by the Supreme Court in *Amrit Bhikaji Kale*, laws enacted for agrarian reform cannot be allowed to fail because

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of mechanical or overly rigid interpretations.

56. Applying the above legal principles, this Court holds that the tenant's non-cultivation of the suit land, in a situation where he did not misuse it or hand over possession to another, and the fact that it was due to old age, should not have been treated as a ground for eviction without exploring other options. It is true that non-cultivation brought the case within the scope of Section 32R, but that by itself was not enough to justify eviction in the present facts. The authority failed to take into account the mitigating factors. Therefore, although the ground of non-cultivation was factually made out, the decision to evict the tenant was not legally sustainable, because relevant factors were ignored.

57. Having said so, the Court must now also examine whether the procedure followed in passing the eviction order was fair and in accordance with the principles of natural justice – because even if the ground was legally valid, the order may still be set aside if passed in breach of fair procedure.

Procedural Fairness and Natural Justice in the 1975 Proceedings:

58. It is a basic rule of law that even in cases where the law provides for a quick inquiry, especially in matters where serious consequences like taking away someone's land are involved, the affected person must be given a proper opportunity to be heard. The Tenancy Act, although it creates simple and informal forums like Mamlatdars and Tribunals, does not do away with the principles of natural justice. In fact, Section 32P(1) of the Act clearly mentions that a "formal inquiry" must be held before

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passing any order to resume the land. A formal inquiry means that the concerned person should be informed of the reasons or allegations, should be allowed to give his explanation, and should have an opportunity to produce evidence or statements in his support.

59. From the record of the year 1975, only two documents are available – the tenant's statement and the final order. From this, the following can be understood: the tenant was present before the authority, which suggests that he was informed to appear. He gave a statement admitting that he had not cultivated the land because he was unable to do so due to loans. Immediately after this, the order was passed, cancelling his rights. There is nothing to show that the matter was postponed or that the tenant was given a chance to bring proof or give more explanation. There is also no sign that he was informed about the legal impact of his admission or that he could ask for time or legal help.

60. I must now decide whether this process followed the principles of natural justice. Considering that the tenant was an old and uneducated farmer with no legal aid, the officer had a greater duty to act carefully and fairly. The law itself recognizes that such persons are vulnerable. The Supreme Court in *Amrit Bhikaji Kale* has clearly held that poor tenants may unknowingly make statements that go against their legal rights because of lack of legal knowledge. In that case, the Court stated that the goal of agrarian reforms must not be defeated by such uninformed admissions.

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61. In this case, although there was no private landlord influencing the tenant, the problem of lack of understanding still existed. The tenant was standing alone before a legal authority, without knowing the law properly. The officer should have explained to him that not cultivating the land could result in losing it. The officer should have asked whether the tenant had any reason for not cultivating or whether he intended to resume it later, and told him that if he had a good reason, the law allowed the Collector to excuse him. Ideally, the officer should have also advised the tenant to take legal help, seeing the seriousness of the matter. But from the available record, none of this appears to have been done. The entire process seems to have been completed in just one sitting.

62. Moreover, even if the tenant's statement is treated as a voluntary surrender of rights, then the safeguards under Section 15 of the Tenancy Act should have been applied in a similar way. Section 15 requires the Mamlatdar to ensure that such surrender is genuinely voluntary and in the interest of the tenant. So, when an old tenant says he cannot cultivate and doesn't object, the authority must confirm that he is not saying this out of ignorance or confusion. There is no sign that any such verification was done in 1975. Taking a statement from a person who doesn't understand the consequences and treating it as surrender is against the protective nature of tenancy law.

63. The respondents argued that the tenant never objected or asked for time, and so it should be taken that he agreed to the order. But this argument misses the main point, if a person does

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not know his rights, then his silence or failure to object cannot be treated as consent. The Supreme Court in *Kale* has clearly said that a tenant's statement giving up possession should not be taken seriously if it was made in ignorance of legal rights. In the present case also, the tenant probably did not know that even if he was personally unable to cultivate, he could still retain the land by making alternate arrangements or by seeking time or help.

64. Another important point is the speed with which the order was passed, the statement and the order were done almost immediately, which shows there was no real consideration of the facts. Following the principles of natural justice does not just mean ticking off a few formalities. It includes a duty to take a fair and balanced decision. The order in this case simply mentions that the land was not cultivated, and therefore action was taken. This shows that the decision might have been taken in advance, without a real hearing.

65. This Court finds that the proceedings of 1975 were not conducted in a fair manner and violated the principles of natural justice. The tenant's age, lack of education, and absence of legal help were important aspects that were ignored. The inquiry appears to have been done only for formality's sake and did not ensure that the tenant's legal rights were explained to him or that he was given a real chance to put forth his case. Therefore, I hold that the way in which the tenant's eviction was ordered does not meet the standard of a "formal inquiry" under Section 32P(1) and fails the test of fairness in law. On this ground alone, the 1975 order deserves to be set aside. However, since there are additional

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points which also support this conclusion, I will proceed to consider those as well.

The Tenant's Statement: Admissibility and Legal Effect:

66. The most important document in the record of the year 1975 is the tenant's own statement. In that statement, he admitted that the land was lying uncultivated and that due to his old age, he was unable to cultivate it. Although he did not directly say that he had no objection to the land being taken away, the authorities seem to have interpreted his words in that way. At this stage, it is necessary to consider the legal nature of this statement. Was it merely an admission of fact? Or was it a waiver of rights? Or a consent to pass an order against him? Even if it is treated as any of these, the question remains whether it is legally binding. In law, an admission about a fact such as "I have not cultivated the land for some years" is relevant and may be treated as final if not withdrawn. In this case, the non-cultivation of land was anyway visible and true. Hence, the tenant's statement only helped the authority avoid the task of proving that the land was uncultivated. However, the real concern arises when I look at whether the statement should be treated as an acceptance of legal consequences. The tenant never clearly said that he wished to surrender the land. Despite this, both the authority and the Maharashtra Revenue Tribunal (MRT) treated the statement as though the tenant had willingly given up his rights.

67. It is a well-settled principle that no one can be stopped from claiming a legal right given by law merely because of a statement

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made in the past. There can be no estoppel against a statute. If a law has given a person a right particularly a right created in public interest then that right cannot be taken away just because the person says he doesn't want it. The Bombay Tenancy Act gave ownership rights to tenants to achieve the goal of land reform. If a tenant says "I don't want the land" or "I can't cultivate it," that may give the authorities a reason to take some action, but it does not take away the right unless the procedure and conditions under the law are satisfied. In *Amrit Bhikaji Kale*, even when the tenant had clearly agreed to hand over possession, the Supreme Court held that such a statement alone was not enough to take away the tenant's rights under the Act. The Apex Court did not treat the tenant's statement as legally significant and restored the tenant's rights. This judgment is an important reminder that such statements must be examined with great care and cannot be treated as final unless they are made freely and with full understanding.

68. One may ask whether the tenant's statement was given voluntarily. On the face of it, there was no physical force used. But real voluntariness means making an informed and conscious choice. If someone says something because they believe they have no other option, or they do not know their legal rights, such a statement cannot be called voluntary. It is more like giving in to authority. Looking at the record, the tenant's statement seems more like an expression of helplessness .

69. The Maharashtra Revenue Tribunal, in its 2019 decision, appears to have placed great reliance on the tenant's statement.

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With respect, this approach does not appear to be legally sound. In proceedings of a quasi-judicial nature, especially when they involve ordinary farmers or laypersons, their statements must be understood in context. Here, the tenant was an old farmer stating a simple fact about his condition. It was not a legal submission or a negotiated compromise. It is important to note that the Agricultural Lands Tribunal (ALT) did not rely solely on this statement to pass its order. The statement only supported the factual finding that the land was not being cultivated. Therefore, the role of the statement was limited to providing evidence of non-cultivation. If it is being considered as a consent to eviction, I am of the view that it was not an informed consent and hence cannot be treated as binding. In the interest of justice, the petitioner cannot be penalised merely because the tenant acted with apparent honesty.

70. It is true that admissions made by parties during court proceedings can be binding. But such admissions are generally made by parties who are represented by legal counsel or who make clear concessions. In this case, the so-called admission was made by an unrepresented person who was simply stating his difficulty. To treat it as a legal admission would be unfair.

71. The Supreme Court in *Amrit Bhikaji Kale* has also warned that such statements may be the result of undue influence or difficult circumstances. The Court strongly held that legal rights cannot be lost in such a manner. The present case also requires the same caution.

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72. Therefore, though the tenant's 1975 statement is admissible to prove that he was not cultivating the land, it cannot by itself take away his legal rights or justify his eviction. It was not a clear or unconditional surrender of the land. Even if one were to treat it as a surrender, it was not a conscious or informed act. In the eyes of law, such a statement cannot override the statutory protections provided to the tenant. This Court holds that the reliance placed on the tenant's statement for eviction was legally incorrect. The statement should have either been disregarded for deciding the tenant's ultimate rights or, at the very least, should not have replaced the legal inquiry required under the Act — including consideration of whether the delay in cultivation should be excused. In short, the statement cannot cure or validate the otherwise defective eviction order.

Finality of the 1975 Order and Effect of Delay (Laches):

73. The next issue to be considered is the question of delay. It is true that the order passed in the year 1975 is being challenged after several decades, and such long delay normally raises the issue of laches (unexplained delay), which courts generally do not encourage, as it affects settled legal positions and makes it difficult to trace evidence. However, this is not an ordinary civil dispute between two private parties where strict limitation laws apply. This case involves the implementation of a welfare statute and the rights of a person belonging to a weaker section of society. It is important to note that in the year 2013, the petitioner had filed for condonation of delay, and the Appellate Authority allowed the delay to be condoned. That order condoning the delay has not

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been challenged by the respondents and, therefore, has attained finality. As a result, under the scheme of the relevant statute, the petitioner's challenge to the 1975 order cannot be rejected merely on the ground of delay or limitation.

74. Moreover, considering the nature of the rights involved in this matter and the apparent illegality in the original order, this is a case where the general principle that quasi-judicial orders attain finality must give way to the higher principle of doing substantive justice. Mere passage of time does not have the effect of validating an order which was otherwise illegal in its origin. Hence, this Court is inclined to decide the matter based on its merits, rather than dismissing it only because of the delay.

Applicability of Precedents – *Amrut Bhikaji Kale* and Others:

75. The facts of this case cannot be fully understood without referring to the Supreme Court's decision in *Amrut Bhikaji Kale (Supra)*, decided in 1983. In that case, the tenant Janardhan had become a deemed purchaser on 1st April 1957. However, due to confusion (such as a mistaken belief that the landlord was a minor), the process of purchase was not completed. Later, the landlord filed an eviction case on the ground of default in payment of rent. In those proceedings, Janardhan stated that he was old, could not cultivate, and had no objection to giving up possession. On this basis, the authority passed an eviction order, and the landlord took back the land. Years later, Janardhan's son challenged this, and the Supreme Court held that Janardhan had already become owner on 1st April 1957, and that all further

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proceedings, including his statement and the eviction order, were legally invalid. The Court made it clear that the so-called "surrender" in 1967 had no legal effect because the law had already conferred ownership on him, and he had likely acted without knowing his rights or under pressure. The Court also referred to the legal principle that a person cannot be allowed to give up the protection given under a beneficial law. The tenant's ownership was restored, and the Court rejected the objections of delay and finality.

76. The present case has many similarities with the *Kale* case: here also we have an old tenant, a statement about inability to cultivate, a summary eviction, a long delay, and legal action by the legal heirs to reclaim the land. However, some differences were noted by the Maharashtra Revenue Tribunal (MRT) in its 2019 decision, which the respondents have also highlighted. In *Kale*, the eviction was under Sections 14 and 29 of the Act based on rent default. But these provisions were not applicable after 1957 because the tenancy had already ended with the deemed purchase. Therefore, the authority in that case had no jurisdiction at all. In contrast, in the present case, the eviction was under Sections 32P and 32R of the Tenancy Act, which are applicable after 1957. Hence, if the conditions under those sections were satisfied, the authority had legal power. In *Kale*, the landlord had allegedly misled the tenant by falsely claiming to be a minor to delay the tenant's purchase and manipulated the process. In this case, there is no such misrepresentation by a private party; the action was taken by the State in supposed good faith under land reform

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policy. Also, in *Kale*, it was clear that the tenant had paid or was willing to pay the purchase price. In the present case, the price was paid and certificate under Section 32 M was issued. Hence present case stands on the better footing.

77. Even with these differences, the key principle from *Kale* applies here as well: Agrarian reform laws meant to benefit farmers cannot be defeated by technicalities or improper processes. The tenant's statutory rights cannot be lost just because he made a statement without proper legal understanding. The Supreme Court in *Kale* clearly held that once the legal conditions for deemed purchase are fulfilled, the tenant's ownership is protected except in a few limited situations. Any action to take back land from the tenant must be strictly as per the law; otherwise, it is void. Therefore, this is a case of a statutory owner being dispossessed by an illegal process, which is exactly what the Supreme Court disapproved of in *Kale*.

78. The Supreme Court's observations in *Kale* about the tenant's statement are directly relevant here and need to be recalled again: "We are not unaware... legally protected interest. A measure of agrarian reform cannot be permitted to be defeated by such devious means..." In the present case, even if the State's action is not called *devious*, the outcome was that a beneficial scheme meant to give land to the tiller was undermined because the tenant was unaware of his rights, and the authority acted in undue haste. The spirit of the *Kale* judgment clearly applies.

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79. In *Anna Bhau Magdum v. Babasaheb Anandrao Desai*, (1995) 5 SCC 243, the Supreme Court had distinguished *Kale*. In *Anna Bhau*, the tenant had failed to take necessary steps to exercise his purchase rights, especially because the landlord was a minor on Tiller's Day. The tenant argued that a minor procedural lapse should not deprive him of the land. But the Supreme Court did not agree. It held that *Kale* was different because in *Kale*, the tenant had already become owner since the landlord had no legal disability. But in *Anna Bhau*, the landlord's minority postponed the sale, and the tenant had a duty to give notice under Section 32F(1A), which he failed to do. Hence, the right of ownership never arose. This difference is legally sound: *Kale* was about enforcing a vested right, while *Anna Bhau* was about not granting a right because the required conditions were not fulfilled.

80. Applying the legal position discussed above, the question arises whether the tenant had acquired ownership rights in the present case. The answer is yes. On 1st April 1957, the tenant became a deemed purchaser under the Bombay Tenancy and Agricultural Lands Act because he was issued a certificate under Section 32M. Therefore, just like in the case of *Amrut Bhikaji Kale*, ownership rights had vested in the tenant. The core issue in this case is whether those vested rights were lawfully taken away in the year 1975. This is different from the case of *Anna Bhau*, where the right had not vested at all due to a statutory requirement not being fulfilled. Therefore, the judgment in *Anna Bhau* does not weaken the petitioner's case; in fact, by contrast, it strengthens the principle that once a right vests in a tenant, it cannot be taken

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away unless the law clearly permits it. Though Section 32R of the Act allows cancellation of ownership for failure to cultivate personally, such cancellation must be strictly in accordance with prescribed legal procedure and conditions, which, as discussed earlier, were not followed in this case. Hence, the result in this matter is aligned with the conclusion reached in *Kale*.

81. No other judgment directly covering these facts has been cited before this Court. However, it is a well-accepted principle in tenancy law that the relevant statutes are meant to protect tenants. Therefore, in case of any doubt or when procedural rules are involved, such provisions must be interpreted in a manner favourable to the tenant so that the object of the law — land reforms and security of tenure — is not defeated.

82. In summary of legal precedents, the judgment in *Amrut Bhikaji Kale* is highly relevant and persuasive in the present case. I find no reason to take a different view from the one taken by the Supreme Court on similar facts. The Maharashtra Revenue Tribunal's (MRT) decision to disregard the law laid down in *Kale* appears to be unjustified. The judgment in *Kale* reminds us that tenants must not be deprived of their rights due to technicalities or unintentional statements made without proper legal understanding.

83. On careful reading, I find that the MRT committed an error of law. It failed to appreciate that the proceedings of 1975 were conducted in breach of principles of natural justice and did not properly consider that the tenant was not legally represented. The

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MRT assumed that the mere presence of the tenant and his statement in 1975 made the proceedings valid. However, it did not consider whether the hearing was fair in substance. The MRT also applied the requirement of "personal cultivation" in an overly strict manner. It treated the fact of non-cultivation as a ground sufficient in itself to cancel ownership, without considering whether the lapse could be condoned. It thus failed to apply the binding principles laid down by the Supreme Court. This is a serious legal error. Further, the MRT gave undue importance to the delay in challenging the 1975 order, even though the delay had already been condoned. Some of its remarks indirectly revived the issue of delay, which is not permissible once condonation is granted. The Tribunal should have only examined the case on its merits.

84. On merits, the MRT accepted that the tenant's statement in 1975 was voluntary. For reasons already explained, I am unable to agree with this conclusion. The MRT did not examine whether the tenant truly understood his legal rights. It assumed, without proof, that the tenant had intended to surrender the land. In the facts of the case, no reasonable tribunal properly instructed in law would have drawn such a conclusion. If such an order were to be upheld, it would set a dangerous precedent — that even an uneducated or ill-informed tenant's brief statement could lead to loss of valuable land rights without any legal safeguard. This would be contrary to the pro-tenant approach adopted consistently in tenancy law in Maharashtra.

85. Therefore, I hold that the decision of the Maharashtra Revenue Tribunal dated 17th July 2019 is legally incorrect and

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cannot be sustained. The MRT failed to properly exercise its jurisdiction, overlooked clear legal errors, and misapplied the settled position of law. Hence, this Court is justified in exercising its supervisory jurisdiction under Article 227 of the Constitution of India to interfere with the said order.

86. In conclusion, this Court finds that the eviction order passed against the tenant (the petitioner's predecessor) on 21st February 1975 was unlawful and cannot be upheld. The order was based on a wrong interpretation of Sections 32P and 32R of the Act. The so-called voluntary statement of the tenant ought not to have been used to take away his ownership. The long delay in filing the petition has already been explained, condoned, and the condonation has become final. Therefore, it cannot now be used to deny relief.

87. The Supreme Court's judgment in *Amrut Bhikaji Kale* (1983) directly applies to the present case. The tenant's ownership on Tillers' Day was a vested right that could not be taken away based on procedural lapses or statements made without proper understanding. The decision of the Maharashtra Revenue Tribunal passed in 2019, which upheld the eviction, is legally flawed and deserves to be quashed and set aside.

88. Accordingly, both the petitions are allowed. The impugned judgment and order dated 17th July 2019 passed by the Maharashtra Revenue Tribunal in Revision Application Nos.4 of 2017 and 7 of 2017, respectively is hereby set aside.

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89. In result, both the petitions are allowed in the above terms. Rule is made absolute. There shall be no order as to costs.

90. In view of disposal of writ petitions, all pending interlocutory application(s) stand disposed of.

(AMIT BORKAR, J.)

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