

Tenancy Act – Fact constituting landlord tenant relationship, therefore, is a jurisdictional fact and not a mere fact and as such High Court, in exercise of revisional jurisdiction Under Section 115 of the Code of Civil Procedure, is duty bound to examine – Assam Urban Areas Rent Control Act, 1972 S. 5 – Unlike general law governing tenancy, this Act confers a statutory status on tenant and on attainment of such status a tenant earns protection guaranteed Under Section 5 of this Act – No tenant under this Act can be evicted without a decree of Court – The landlord, therefore, is duty bound to obtain a decree from court by establishing the conditions precedent laid down Under Section 5 referred to above – The foundation of such a suit is relationship of landlord and tenant – The fact that there exists a relationship of landlord and tenant between the parties is the starting point for conferring jurisdiction on a court to entertain and decide the dispute – Such fact constituting landlord tenant relationship, therefore, is a jurisdictional fact and not a mere fact and as such High Court, in exercise of revisional jurisdiction Under Section 115 of the Code of Civil Procedure, is duty bound to examine as to whether such a finding arrived at by the learned Court or Courts below is tenable and/or based on materials on record – Assam Urban Areas Rent Control Act, 1972 S. 5 – Transfer of Property Act, 1882 , Section 109

[2015 PLRonline 0010](#)

[Ambica Prasad v. Mohd. Alam , 2015 PLRonline 0010, AIR 2015 SC 2459](#)