**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**Civil Writ Jurisdiction Case No.11811 of 2019**

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Chandeshwar Singh (Gender Male), aged about 70 years, Son of Late Tej Narayan Singh R/o Village - Bhopatpur Ahiraulia, P.o.- Bhopatpur Choubey Tola, P.s.- Kotwa, District- East Champaran.

... ... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of land Reforms, Govt. of Bihar, Patna.
2. The District Magistrate-cum-Collector East Champaran, Motihari.
3. The Land Reforms Deputy Collector East Champaran, Motihari
4. Sanjay Kumar Yadav
5. Vijay Kumar Yadav
   Both are sons of Ganesh Yadav R/o Village - Bhopatpur Naika Tola, P.O- Bhopatpur Choubey Tola, P.s.- Kotwa, District- East Champaran.
6. Vijay Singh @ nanhak Singh Son of Late Chandrika Singh R/o Village - Bhopatpur Ahiraulia, P.O- Bhopatpur Choubey Tola, P.S- Kotwa, District- East Champaran.

... ... Respondent/s

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**Appearance :**
For the Petitioner/s : Mr. Shri Prakash Srivastava, Adv.
For the Respondent/s : Mr. Arun Kumar Bhagat, AC to AAG5

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**CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN**
**and**
**HONOURABLE MR. JUSTICE PARTHA SARTHY**

ORAL ORDER

**(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)**

2 30-07-2019 Heard Mr. Shri Prakash Srivastava, learned counsel for the petitioner and Mr. Arun Kumar Bhagat, learned AC to AAG-5 for the State.

Although a challenge to the validity of Section 16 of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 is being made on its amendment vide Bihar Land Reforms (Fixation of Ceiling Area

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and Acquisition of Surplus Land (Amendment) Act, 2019 whereby the legislature while repealing Section 16(3) of 'the Act' has substituted Section 16(4) of 'the Act' providing for solution to the pending proceedings.

We completely fail to appreciate the cause raised to invite any judicial review since in our considered opinion it is entirely within the ambit of the legislature whether to incorporate or delete any provision from any enactment and unless it effects the basic structure of the parent act or violates the constitutional safeguards, it does not require any interference.

The legislative act put to challenge, does not fail on any count. Merely because the claim of the petitioner under Section 16(3) of 'the Act', on its repeal, gets effected, it does not effect the validity of the amendment.

The writ petition is disposed of.

**(Jyoti Saran, J)**

**( Partha Sarthy, J)**

Surendra/-

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