

WPA 14114 of 2025**Ajit Pal****Vs.****The State of West Bengal & Ors.**

Mr. Arunava Ganguly

...for the Petitioner

Ms. Subhasri Chatterjee

...for the State

Mr. Kallol Kumar Basu,
Md. Jannat ul Firdous,
Mr. Rajsekhar Hota

...for Respondent Nos. 4 & 5

The dispute between the petitioner and respondent nos. 4 and 5 pertains to the erection of a boundary wall.

It appears that the petitioner and respondent nos. 4 and 5 are co-sharers of the said property. The petitioner alleges that the boundary wall has been constructed without obtaining prior permission from the Panchayat Authority.

Learned counsel appearing for respondent nos. 4 and 5 submits, however, that the erection of a boundary wall does not require any permission from the Panchayat Authority.

The relevant provision of the West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004 is reproduced below:

“19. Exemption from permission. – (1) No permission of the Gram Panchayat shall be necessary for erection of any thatched structure, tin shed, or tile shed, without brick wall, covering an area not exceeding eighteen square metres, and such structure or shed does not cover more than three-fourth of the total area of the land including the land appurtenant thereto:

(2) Permission of the Gram Panchayat shall not

be necessary for repair of an existing structure or building unless,

- (i) any structural change is involved, or
- (ii) such repair brings any change in the existing covered area, or
- (iii) such repair includes any addition of a projection from the existing structure or building ground level or upper level.

(3) Permission of a Gram Panchayat shall not be necessary for erection of a boundary wall unless it is made of brick or cement and the bounded area is not kept as vacant land but it is used or likely to be used as stack yard or for any commercial or institutional purpose either on open space or by erecting temporary shed.”

At first glance, the language employed in Rule 19(3) may appear somewhat ambiguous. However, upon close scrutiny, the legislative intent becomes clear.

Clause (3) connects three ideas—(a) wall is brick- or cement-built, (b) land not kept vacant, and (c) land used or likely to be used as a stack yard or for any commercial or institutional purpose. They together form a single, continuous condition.

In my view, a boundary wall requires prior permission from the Panchayat Authority only when the following conditions are cumulatively satisfied:

- (a) the wall is made of brick or cement; and
- (b) the enclosed area is not kept as vacant land; and
- (c) the enclosed area is used or is likely to be used—
 - (i) as a stack yard; or

(ii) for any commercial purpose; or

(iii) for any institutional purpose.

It is abundantly clear that where a boundary wall merely encloses a residential building or agricultural land, no sanctioned plan is required. Although such a wall may satisfy Condition 2, Condition 3 fails to apply, as the land is not used as a stack yard or for commercial or institutional purposes.

Furthermore, the West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004 prescribe a statutory form for the submission of applications seeking sanction of building plans. Notably, the said form contains no provision for the sanction of a stand-alone boundary wall.

The photographs produced before this Court by the parties do not conclusively establish whether the enclosed area is vacant or otherwise. The user of the land is also disputed. There exists a factual dispute between the parties on this point.

In view of the aforesaid factual controversy, the Pradhan, Barunhat Rameswarpur Gram Panchayat, is directed to take an appropriate decision in the light of Rule 19(3) of the West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004.

If the Pradhan concludes that such permission was required, he shall proceed to take steps in accordance with Section 23(5) of the West Bengal Panchayat Act, 1973.

Needless to mention, if it is found that the boundary wall does not require any permission from the Panchayat Authority, no further action shall be initiated in that regard.

The entire exercise shall be completed within a period of two months from the date of communication of this order. The concerned Pradhan shall afford an opportunity of hearing to all parties before arriving at a decision.

Accordingly, **WPA 14114 of 2025** stands disposed of.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)