

Sl. No.ML629
10.12.2025
Suman
Ct. 15

WPA 18973 of 2024

Pronab Ghosh
Vs.
The State of West Bengal and Ors.

Mr. Sarbananda Sanyal
Mr. Hamid Rahaman
..for the petitioner

Mr. Vijay Agarwal
..for the State

Let the report filed by the State be kept with the records.

The petitioner alleges the existence of an unauthorised construction in the form of a boundary wall. It is submitted that a brick-built boundary wall has been constructed without obtaining permission from the Panchayat authority.

The issue of obtaining permission from the Panchayat authority for construction of a boundary wall has already been decided by this Court dated November 12, 2025, rendered in WPA 15155 of 2025 (*Suman Das v. The State of West Bengal and Ors.*). The relevant portion of the said judgment is reproduced below:

“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.”

Learned counsel for the petitioner further submits that respondent nos. 8, 9, and 10 have also undertaken unauthorised construction of a building after the filing of the present writ petition. However, in the absence of any pleadings to that effect, there is no scope to adjudicate upon the said issue in this proceeding. The petitioner shall be at liberty to file an appropriate application in this regard, if so advised.

Accordingly, **WPA 18973 of 2024** is dismissed.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)