

**Sl. No.ML635.**  
**10.12.2025**  
**Suman**  
**Ct. 15**

**WPA 19910 of 2024**

**Amir Ghosh and Anr.**  
**Vs.**  
**The State of West Bengal and Ors.**

Mr. Sabyasachi Chatterjee  
Mr. S. Saha  
..for the petitioners

The petitioner seeks implementation of an order dated November 22, 2023, passed by the Sub-Divisional Officer, Arambagh.

The dispute relates to a boundary wall allegedly constructed by respondent nos. 11 and 12, encroaching upon a portion of the petitioner's land.

By the impugned order, the Sub-Divisional Officer, Arambagh, directed the Panchayat to decide the issue as per Rule 23 of the West Bengal Panchayat (Election) Rules, 1973 / West Bengal Panchayat Act, 1973 (please insert the correct statute).

The order of the Sub-Divisional Officer, Arambagh, cannot be sustained.

A boundary wall, by itself, does not require a sanctioned plan from the Panchayat authority. This

position has already been clarified by this Court in its judgment 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.”***

In view of the above, no further order is required to be passed in this writ petition.

Accordingly, the order passed by the Sub-Divisional Officer, Arambagh, dated November 22, 2023, is set aside.

This Court, however, cannot adjudicate the disputed issue of encroachment, as alleged by the learned advocate appearing for the petitioner. The

petitioner is at liberty to file an appropriate civil suit for redressal of his grievance.

Accordingly, **WPA 19910 of 2024** is disposed of.

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.)**