

08.12.2025
Sl No.5
Ct. No.15
S.A.

WPA 25047 of 2025

Md. Amir Chand Molla

-vs-

State of West Bengal & Ors.

Mr. Kaustav Banerjee

...for the petitioner

By filing the present writ petition, the petitioner seeks a direction upon the Amratala Gram Panchayat to permit him to construct a boundary wall surrounding his residential building.

The writ petition is, however, ill-conceived. The construction of a boundary wall appurtenant to a residential building does not require prior permission 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.

The petitioner shall be at liberty to construct the boundary wall in accordance with law.

Accordingly, **WPA 25047 of 2025** 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.)