

Sl. No.ML711
08.01.2026
Suman
Ct. 15

WPA 655 of 2025

Anjumina Khatun
Vs.
The State of West Bengal and Ors.

Mr. Arunava Banerjee
Ms. Ritika Mondal
..for the petitioner

Mr. Ansar Mandal
Mr. Tanweer J. Mandal
..for the State

Learned counsel appearing on behalf of the petitioner submits that a boundary wall constructed by the petitioner enclosing a vacant parcel of land was demolished at the instance of the local Panchayat.

The report filed by the State indicates that, pursuant to a complaint lodged by the petitioner, a case was registered and, upon completion of the investigation, the police submitted a Final Report (True), being Baruipur Police Station Final Report True No. 96/25 dated 31.01.2025, under Sections 329(3), 324(4), 351(2), and 3(5) of the Bharatiya Naya Sanhita, with a provision for reopening the case should further evidence come to light.

The State's report further suggests that the alleged incident was committed by unknown

miscreants who could not be identified during the course of the investigation.

Having regard to the aforesaid facts and circumstances, I am of the view that the petitioner ought to be permitted to reconstruct the boundary wall.

It is made clear that the Panchayat has no authority to interfere with the construction of a boundary wall surrounding a vacant land. The legal position in this regard has 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 (a) and (b), Condition (c) fails to apply, as the land is not used as a stack yard or for commercial or institutional purposes.”

In view of the above, the writ petition is disposed of by granting liberty to the petitioner to reconstruct the boundary wall. The Panchayat authorities shall not interfere with such reconstruction, provided the petitioner establishes ownership over the land in question.

Accordingly, **WPA 655 of 2025** stands 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.)