

18.02.2026
Item No.A843
Ct. No.15
Suman

WPA 1186 of 2025

Smt. Aparna Paul and Anr.
-Vs-
The State of West Bengal and Ors.

Mr. Golam Mastafa
Mr. Subir Sabud
Mr. T. S. Samanta
Mr. Kazi Asif Iqbal
..for the petitioners

The petitioners challenge the communication dated January 3, 2025, issued by the Pradhan of Bagnan-II Gram Panchayat, whereby they were restrained from constructing a boundary wall without obtaining prior permission from the Panchayat.

It is well settled that the construction of a boundary wall does not, per se, require prior permission.

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.”

Accordingly, the communication dated January 3, 2025, issued by the Pradhan of Bagnan-II Gram Panchayat, respondent no. 6 herein, is set aside and quashed.

It is, however, made clear that if respondent nos. 8 and 9 are aggrieved on account of any alleged encroachment upon their land by the petitioner, they shall be at liberty to approach the competent Civil Court for appropriate redress in accordance with law.

Accordingly, **WPA 1186 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.)