

24.02.2026
Sl No.41
Ct. No.15
S.A.

WPA 2095 of 2026

Naba Kumar Mandal

-vs-

State of West Bengal & Ors.

Mr. Kaustav Banerjee

Ms. Ria Kundu

...for the petitioner

By filing the present writ petition, the petitioner seeks permission from the Panchayat Authority to construct a boundary wall.

The construction of a boundary wall, per se, does not require prior permission from the Panchayat Authority.

It is clarified that the Panchayat has no authority to interfere with the construction of a boundary wall enclosing a vacant parcel of land. The legal position in this regard has been settled 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 Others). The relevant extract from 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.”

With the aforesaid clarification, **WPA 2095 of 2026** is disposed of.

The petitioner shall be at liberty to take steps in accordance with law.

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.)