

15.01.2026
ML736&738
Ct. No.15
Suman

WPA 4498 of 2025

Upendranath Biswas
-vs-
The State of West Bengal and Ors.

With

WPA 4549 of 2025

Apurbalal Biswas
Vs.
The State of West Bengal and Ors.

Mr. Surya Prasad Chattopadhyay
Mr. Arjun Samanta
Mr. Ankit Chatterjee
Ms. T. Mukherjee
Mr. S. Nandi
..for the petitioner in WPA 4498 of
2025 and respondent in WPA 4549 of 2025

Mr. Prantick Ghosh
Mr. Prasad Bhattacharyya
Ms. Suravani Ghosh
..for the respondent in WPA 4498 of
2025 and the petitioner in WPA 4549 of 2025

Mr. Ranjit Rajak
..for the State in WPA 4498 of 2025

Mr. Lalit Mohan Mahata, AGP
Mr. Prasanta Behari Mahata
..for the State in WPA 4549 of 2025

In view of the commonality of facts, the
two writ petitions are taken up for hearing
together and are disposed of by this common
order.

The petitioner in WPA No. 4549 of 2025
has challenged an order dated 18 February
2024, whereby the Asanagar Gram Panchayat

directed the petitioner to demolish a boundary wall.

The petitioner in WPA No. 4498 of 2025, on the other hand, seeks implementation of the said order dated 18 February 2024. A bare reading of the order dated 18 February 2024 makes it evident that the Panchayat directed demolition of the boundary wall on the ground that it had been constructed without obtaining permission from the Panchayat.

No permission is required from the Panchayat for the construction of a boundary wall. 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 (a) and (b), Condition (c) fails to apply, as the land is not used as a stack yard or for commercial or institutional purposes.”

Admittedly, the land enclosed by the boundary wall is vacant land. Therefore, no permission from the Panchayat is required for such construction.

Accordingly, **WPA 4549 of 2025** stands allowed and **WPA 4498 of 2025** stands dismissed.

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.)