

15.01.2026
Sl. No. M/743
g.b.
Court No.15

W.P.A. 4638 of 2025

Biman Banerjee
Vs-
The State of West Bengal & Ors.

Mr. Rabindra Nath Mahato
Mr. Aritra Shankar Ray
.....For the Petitioner
Mr. Pratip Mukherjee
Mr. Sakir Hossain
Mr. Purnankar Biswas
.....For the Respondent No.2
Mr. Pankaj Halder
Ms. Susmita Biswas
.....For the State

Mr. Mahato, learned advocate for the petitioner, submits that the private respondents are obstructing the construction of a boundary wall surrounding Plot No. 3385, Mouza–Khanyan, Khatian No. 2716, P.S. Pandua, District–Hooghly, which is owned by the petitioner.

It is further contended that Respondent No. 7, is a Panchayat member. At his behest the Panchayat is withholding permission for the construction of the said boundary wall.

The construction of a boundary wall per se does not require 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 (a) and (b), Condition (c) fails to apply, as the land is not used as a stack yard or for commercial or institutional purposes.”

The land in question is admittedly vacant. Therefore, in the present case as well, no prior

permission is required for the construction of a boundary wall.

In view of the aforesaid clarification, **WPA 4638 of 2025** stands disposed of.

(Kausik Chanda, J.)