

15.01.2026
Sl. No. M/771
g.b.
Court No.15

W.P.A. 5041 of 2025

Mohiuddin Molla & Ors.
Vs-
The State of West Bengal & Ors.

Mr. Sudarshan Ghosh
....For the Petitioners
Mr. Chandra Nath Sarkar
.....For the Private Respondent Nos. 6, 7 & 8
Mr. Susanta Pal
Ms. Ananya Neogi
.....For the State

It is the grievance of the petitioners that Respondent Nos. 6, 7, and 8 have constructed a boundary wall by encroaching upon a portion of the land owned by the petitioners.

Learned advocate appearing for Respondent Nos. 6, 7, and 8 denies the allegation of encroachment. It is submitted that they have constructed a residential building with due permission from the Panchayat. It is further submitted that the boundary wall surrounding the said residential building has been constructed without obtaining any permission from the Panchayat.

The construction of a boundary wall per se does not require any permission.

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.”

This order, however, shall not preclude the petitioners from instituting a civil suit for appropriate relief in accordance with law.

In view of the aforesaid, **WPA 5041 of 2025**
is dismissed.

(Kausik Chanda, J.)