

21.01.2026
ML 787
Ct. No.15
Suman

WPA 5327 of 2025

Mamata Kayal and Anr.
-vs-
The State of West Bengal and Ors.

Mr. Nirmalendu Bera
Mr. Gora Chand Samanta
..for the petitioners

Mr. Gazi Faruque Hossain
...for respondent no.7.

Mr. Tarun Kumar Ghosh
Mr. Priyabrata Ghosh
..for the State
Mr. Arnab Roy
Mr. Purnendu Ghosh
..for respondent nos. 8 and 9.

The petitioners allege that respondent nos. 7, 8, and 9 have undertaken unauthorised construction on L.R. Plot Nos. 722/723, J.L. No. 72, Mouza-Rajapur, P.S. Canning, District- South 24 Parganas.

Learned counsel appearing for respondent no. 7 has produced a photograph of the concerned plot to demonstrate that no building has been constructed and that only a boundary wall has been erected.

It is the consistent case of respondent nos. 7 to 9 that the boundary wall has been constructed to enclose the plot of land owned by them and that the petitioners have no right, title, or interest in the said plot.

In view of the aforesaid, the writ petition is disposed of with a direction restraining respondent

nos. 7 to 9 from undertaking any building that requires sanction under Section 23 of the West Bengal Panchayat Act, 1973, without obtaining a sanctioned plan from the Panchayat Authority.

This Court is not the appropriate forum to adjudicate disputes relating to right, title, and interest between the parties.

The petitioners shall be at liberty to approach the competent Civil Court for appropriate relief in accordance with law.

However, the Panchayat Authority has no jurisdiction to interfere with the construction of a boundary wall surrounding an agricultural land. The legal position in this regard has been clarified by this Court in its judgment dated November 12, 2025, passed in WPA 15155 of 2025 (Suman Das v. The State of West Bengal & 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.”

Respondent nos. 7 to 9 shall, therefore, be at liberty to complete the construction of the boundary wall. However, if any of the parties approaches the Civil Court seeking appropriate relief, the construction of the wall shall be subject to the order of the Civil Court.

Accordingly, **WPA 5327 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.)