

22.01.2026
ML.808&809
Ct. No.15
Suman

WPA 5684 of 2025

Kartick Sardar
-Vs-
The State of West Bengal and Ors.

With
WPA 5688 of 2025

Rajkumar Naskar
Vs.
The State of West Bengal & Ors.

Mr. Mukteswar Maity
Ms. Manika Sarkar
..for the petitioner

Ms. Nilanjana Banerjee Pal
..for the State in WPA 5684 of 2025

Mr. Jahar Datta
Ms. Joyee Maiti
..for the State in WPA 5688 of 2025

Let the report filed by the State be kept with the records.

In view of the commonality of facts, both the writ petitions are taken up for hearing together. Though the petitioners in these two cases are different, the respondents are same.

Mr. Maity, appearing on behalf of the petitioners in both the writ petitions, submits that the individuals, who are impleaded respondent nos. 9 and 10 in both the writ petitions, have undertaken unauthorised construction on a "Sali" land bearing plot no. 1481, Mouza-Baniara, J.L. No. 26, P.S.

Domjur, District Howrah, which is adjacent to the land of the petitioners.

It is alleged that the said construction is obstructing ingress to and egress from the “Sali” land owned by the petitioners.

Ms. Nilanjana Banerjee Pal, learned counsel appearing for the State in WPA 5684 of 2025, has produced a report submitted by the concerned Block Land & Land Reforms Officer.

Ms. Banerjee Pal submits, on the basis of the said report, that a wall has been constructed on the relevant plot of land by one Nur Baksh Laskar, who is the owner thereof.

Respondent nos. 9 and 10, however, claim ownership over the land in question.

This Court is not the appropriate forum to adjudicate the right, title, and interest of the parties in respect of the land in question.

However, it must be noted that the construction of a boundary wall, per se, does not require permission from the Panchayat Authority. The land in question is classified as “Sali” land, i.e., agricultural land, and no permission is required for construction of a boundary wall thereon.

Therefore, 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.”

Accordingly, there is no justification to entertain the present writ petitions.

The parties shall be at liberty to approach the competent Civil Court for seeking appropriate relief.

Accordingly, **WPA 5684 of 2025** and **WPA 5688 of 2025** stand 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.)