

19.02.2026
Item No.A909.
Ct. No.15
Suman

WPA 7990 of 2025

Samser Mallik
-Vs-
The State of West Bengal and Ors.

Mr. Omar Faruk Gazi
Ms. Susmita Das
Ms. B. Das
Ms. D. Giri
..for the petitioner

Mr. Naba Kumar Das
..for the State

The petitioner alleges that respondent no. 8 has undertaken unauthorized construction.

However, from the photograph annexed to the writ petition, it appears that respondent no. 8 has constructed a boundary wall enclosing a small water body and certain vacant land. A boundary wall, per se, does not require sanction of a building plan from the Panchayat authority.

It is clarified that the Panchayat does not possess the authority to interfere with the construction of a boundary wall surrounding vacant land. The legal position in this regard has been elucidated 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 Others). The relevant extract of the said judgment is reproduced hereinbelow:

“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, **WPA 7990 of 2025** stands dismissed.

The dismissal of the present writ petition shall not, however, preclude the petitioner from enforcing his civil rights before the competent forum in accordance with law.

It is further clarified that, in the event any further unauthorized construction is undertaken on the plot of land in question, the Panchayat authorities shall take appropriate steps strictly in accordance with law.

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.)