

19.02.2026
Item No.A920.
Ct. No.15
Suman

WPA 8233 of 2025

Jayati Biswas & Ors.
-Vs-
The State of West Bengal and Ors.

Mr. Sankar Paul
Ms. Kumari Shipra Roy
..for the petitioners

Mr. Santanu Kumar Mitra
Mr. Amartya Pal
..for the State

Mr. Tulshi Das Roy
Mr. Tirthankar Roy
..for respondent nos. 8 and 9.

The dispute in the present writ petition pertains to the construction of a boundary wall by respondent nos. 8 and 9.

Learned counsel appearing on behalf of the petitioners submits that respondent nos. 8 and 9 have erected the said boundary wall without obtaining prior permission from the Panchayat Authority. It is further contended that the construction of the boundary wall has obstructed the petitioners' ingress to and egress from their residential premises.

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

authoritatively explained 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.”

It is also an admitted position before this Court that a civil suit is presently pending between the parties in respect of the construction of the boundary wall in question.

The petitioners shall be at liberty to file an appropriate application in the said pending civil suit for redressal of their grievances, in accordance with law.

It is clarified that the dismissal of the present writ petition shall have no bearing on, nor shall it

prejudice, the rights and contentions of the parties in the pending civil proceedings.

Accordingly, **WPA 8233 of 2025** is 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.)