

June 24, 2026
(22) ARDR

WPA 12947 of 2026

Gourhari Rana
Vs.
The State of West Bengal & ors.

Adv. Tithi Paul,
...for the petitioner.
Adv. Mukteswar Maity,
Adv. Manika SArka,
...for the respondent no.5.
Adv. Madhu Jana,
Adv. Puja Sonkar,
...for the State.

Affidavit of service filed by the petitioner is taken on record.

The petitioner and the private respondent are the co-sharers in respect of the plot in question. A civil suit is pending between them. The petitioner alleges that the private respondent has raised pucca boundary wall without obtaining sanction from the concerned Panchayat. The petitioner submitted a representation in this regard before the concerned authority on 9th April, 2026 and seeks consideration of the same.

Learned counsel for the private respondent takes this Court to rule 19(3) of the West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004 which reads as follows.

“19(3) Permission of a Gram Panchayat shall not be necessary for erection of a boundary wall unless it is made of brick or cement and the bounded area is not kept as vacant land but it is used or likely to be used as stack yard

or for any commercial or institutional purpose either on open space or by erecting temporary shed.”

Learned counsel submits that no permission is required from the Gram Panchayat for the boundary wall which is constructed by the private respondent. The Panchayat authority ought to take note of the said provision of law in considering the representation submitted by the petitioner.

In view of the above, the Pradhan, Bargodagodar Gram Panchayat, being the 3rd respondent herein, is directed to consider and dispose of the representation submitted by the petitioner dated 9th April, 2026 within four weeks from the date of communication of this order upon granting reasonable opportunity of hearing to all concerned including the petitioner and the private respondent, in accordance with law.

In doing so, the said respondent shall consider the provision laid down under Rule 19(3) of the 2004 Rules and take a reasoned decision in this regard which shall be communicated to the parties within two weeks therefrom.

In the event the construction raised by the private respondent is found to be illegal/unauthorised, the concerned authority shall take necessary steps in accordance with law.

The writ petition is accordingly disposed of.

There shall however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)