

29 06-01-2026
AKG
Ct. 15

WPA 26379 of 2025
Manas Kumar Sam
Vs.
The State of West Bengal & Ors.

Mr. Uday Sankar Chattopadhyay,
Ms. Aishwarya Datta

...for the Petitioner

Mr. Abdul Hamid,
Mr. A. H. Molla

...for the State

It is the grievance of the petitioner that respondent nos. 8 & 9 has undertaken for a boundary wall having a height of more than 7 ft. It is submitted that by making such brick built boundary wall, respondent nos. 8 & 9 have encroached a portion of land owned by the petitioner.

The construction of a boundary wall per se does not require any permission.

This position has already been clarified 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 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.”

It is not the case of the petitioner that the boundary wall in question is encircling an area used as a stack yard or for commercial or institutional purposes.

Accordingly, **WPA 26379 of 2025** is dismissed.

This, however, shall not preclude the petitioner from filing civil suit before the Court for the alleged encroachment of his land by respondent nos. 8 & 9.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)