

20.01.2026
Item no.31.
Ct. No.15
Suman

WPA 27574 of 2025

Purnendu Banerjee
-vs-
The State of West Bengal and Ors.

Mr. Tanmoy Mukherjee
Mr. Souvik Das
Mr. Rudranil Das
Mr. Tapas Chatterjee
..for the petitioner

Mr. Soumya Nag
Mr. Rajdeep Sengupta
Mr. Karan Prasad
..for respondent nos. 6 and 7.

Mr. Rajat Datta
Ms. Indrani Nandi
..for the State

The petitioner alleges that an unauthorised boundary wall has been constructed at the instance of respondent nos. 6 and 7.

It is submitted that a suit for pre-emption is pending between the parties, in which an order of injunction has been passed. In alleged violation of the said injunction order, respondent nos. 6 and 7 have constructed a boundary wall enclosing the subject land.

Learned counsel appearing for respondent nos. 6 and 7, however, submits that the Civil Court granted an injunction only against

disturbance of the property. No injunction was passed restraining respondent nos. 6 and 7 from carrying out any construction.

This Court is not inclined to enter into the merits of the dispute, as it does not find any involvement of the Panchayat Authority in the construction of the boundary wall.

A boundary wall, per se, does not require any sanction from the Panchayat Authority.

It is clarified that the Panchayat has no authority to interfere with the construction of a boundary wall surrounding a vacant land. The legal position in this regard has been settled by this Court in its judgment dated November 12, 2025, passed in WPA 15155 of 2025 (Suman Das v. The State of West Bengal and Others). 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 admitted that the land in question is vacant. Accordingly, no permission is required from the Panchayat for the construction of a boundary wall.

This order, however, shall not preclude the petitioner from seeking appropriate relief in connection with the pending pre-emption application.

Consequently, **WPA 27574 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.)