

09.02.2026
Ct. No. 15
Sl. No.21
skg

W.P.A. 28398 of 2025

Md. Basir Saikh
Vs.
The State of West Bengal & Ors.

Mr. Sabir Ahmed,
Mr. Md. Abdur Rakib,
Mr. Biswajit Sarkar,

...for the petitioner

Mr. Tapas Kr. Roy,

...for the State

The petitioner has filed this writ petition seeking permission from the Panchayat to construct a boundary wall.

It is well settled that the construction of a boundary wall, by itself, does not require permission from the Panchayat authority. 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 also appears that there is a private dispute between the petitioner and the private respondent regarding the construction of the boundary wall. The private respondent is not present despite service.

If any issue of encroachment arises, the private respondent shall be at liberty to approach the competent authority.

Accordingly, **W.P.A. 28398 of 2025** is disposed of.

(Kausik Chanda, J.)