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16-02-2026
AKG
Ct. 15

WPA 66 of 2026
Subhash Chandra Das & Anr.
Vs.
State of West Bengal & Ors.

Mr. Shyamal Chakraborty,
Mr. Debajyoti Mondal

...for the Petitioner

Mr. Amit Gupta

...for the State

From the representations annexed to this writ petition, it is clear that the allegation of the petitioners revolves around the construction of a boundary wall on the relevant plot. It is submitted that the wall is obstructing the egress and ingress of the petitioners from their houses.

A boundary wall per se does not require any 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 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.

With regard to the allegation of encroachment, the petitioners will be at liberty to approach the Civil Court in accordance with law.

Learned advocate appearing for the petitioners insists that some other constructions, apart from the boundary wall, have also been raised by Respondent Nos. 9 to 11. I have already indicated that the representations of the petitioners as annexed to this writ petition, makes it clear that the allegation is confined to construction of a boundary wall only.

Accordingly, **WPA 66 of 2026** is dismissed.

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.)