IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMP No.1657 of 2026
CNR No. ODHC010754972026

Santosh Debanath .... ***Petitioner(s)***

Mr. Ashok Kumar Sahoo, Advocate

-versus-

State of Odisha and others .... ***Opposite Party (s)***

Mr. R.B. Dash, ASC

CORAM:
THE HON'BLE MR. JUSTICE SIBO SANKAR MISHRA

ORDER

Order No. **30.10.2026**

01. **1.** The petitioner is aggrieved by non-registration of the F.I.R. based on the complaint lodged by him on 08.06.2026. Subsequently, he has also made a complaint to the Superintendent of Police, Kendrapara on 12.06.2026. The allegation made in the complaint is as under:-

> *"I, Santosh Debnath, aged about 76 years, S/o Late Bijay Krishna Debnath, of Mouza Ramanagar, Jamboo Marine, state that I had earlier submitted a written complaint before the IIC, Jamboo Marine Police Station, along with relevant government documents and orders, against (1) Taranikanta Chanda, (2) Ramani Ranjan Chanda, (3) Jayashree Chanda Chand,*

(4) Rajanikanta Chanda, (5) Basanti Chanda and (6) Tilotama Chanda, alleging illegal acquisition of Government land under Khata No. 395, Plot No. 118, Mouza Ramanagar, by submitting forged and fabricated documents, concealing material facts and furnishing false information to the Government authorities, thereby depriving eligible landless persons of their lawful rights.

In this regard, a PIL vide W.P.(C) (PIL) No. 20247/2019 was filed by the villagers of Ramanagar before the Hon'ble High Court of Orissa. During the pendency of the said case, changes were allegedly made in Khata Nos. 394/395 by substituting names in the land records, indicating possible manipulation of government records. It is further alleged that Jayashree Chanda Chand, despite her husband being financially well established and possessing landed property, obtained Government land by furnishing incorrect information. Information obtained under the RTI regarding her engagement under the National Rural Health Mission is also enclosed.

Despite submission of the complaint and supporting documents, no effective action has been taken by the concerned police authorities. Therefore, I request the competent authority to conduct a fair investigation, verify the land records and alleged forged documents, and initiate appropriate criminal proceedings against all persons involved for fraudulently acquiring Government land, cheating the authorities, forgery, use of fabricated documents and depriving eligible landless persons of their lawful entitlement."

2. The Hon'ble Supreme Court in ***Sudhir Bhaskarrao Tambe v. Hemant Yashwant Dhage***,

reported in **(2016) 6 SCC 277**, has held that where the police fail to register an F.I.R. or do not conduct a proper investigation, the aggrieved person should ordinarily resort to the statutory remedies under Sections 156(3) and 200 of the Cr.P.C., instead of directly invoking the extraordinary jurisdiction of the High Court. It was held thus:-

> *"3. We are of the opinion that if the High Courts entertain such writ petitions, then they will be flooded with such writ petitions and will not be able to do any other work except dealing with such writ petitions. Hence, we have held that the complainant must avail of his alternate remedy to approach the Magistrate concerned under Section 156(3) CrPC and if he does so, the Magistrate will ensure, if prima facie he is satisfied, registration of the first information report and also ensure a proper investigation in the matter, and he can also monitor the investigation."*

3. Since an efficacious alternative remedy by way of filing a complaint under Section 200 of the Cr.P.C. (corresponding to Section 223 of the B.N.S.S.) or seeking an appropriate remedy under Section 156(3) of the Cr.P.C. (corresponding to Section 175(3) of the B.N.S.S.) is available to the petitioner, he is at liberty to avail himself of the remedies under the law.

4. However, it is open for the Superintendent of Police, Kendrapara to conduct a preliminary enquiry

into the matter and take necessary action in accordance with law, if it's so desirable.

5. With this observation, the CRLMP is disposed of.

(S.S. Mishra)
Judge

Subhasis/Rati

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Reason: Authentication
Location: High Court of Orissa, Cuttack.
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