IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMP No.1756 of 2026

CNR No. ODHC010793522026

Mahant Jagdish Das .... ***Petitioner(s)***

Mr. Sourav Suman Bhuyan, Advocate

-versus-

Superintedent of Police, Puri and others .... ***Opposite Party(s)***

Mr. Raj Bhusan Dash, ASC

CORAM: JUSTICE SIBO SANKAR MISHRA

ORDER
06.11.2026

Order No.

01. **1.** Heard.

2. The petitioner, being the informant is aggrieved for non-registration of F.I.R. on the basis of his complaint stated to have been lodged before the police on 24.08.2026.

3. The petitioner, in his complaint, alleged that he is the *de facto* Mahant of Kabir Choura Math, Swargadwar, Puri, and that a dispute is pending regarding the Mahantship and properties of the Math. It is alleged that opposite party No.3, claiming succession to the Mahantship on the basis of a Will dated 12.03.1989, has been asserting his rights over the Math and its properties. Although the petitioner's appeal against the order upholding the Will has been admitted by this Court, with an interim order restraining creation of third-party interest in the disputed property, opposite party No.3 allegedly started

forcible construction over the Math property and, upon protest, abused and threatened the petitioner with death. Hence, he approached this Court by filing the present petition.

4. 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 FIR 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."*

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

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

(S.S. Mishra)
Judge

Swarna

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Signed by: SWARNAPRAVA DASH
Reason: Authentication
Location: High Court of Orissa
Date: 12-Nov-2026 19:11:28