Sr. No. 137

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

Case: WP(C) No.1710//2026

Ruksana Kousar and another ...Petitioner(s)

Through: Mr. Muzzaffar Ali Shah, Advocate

VS.

Union Territory of J&K and others ...Respondent(s)

Through: Mrs. Monika Kohli, Sr. AAG

CORAM:

Hon'ble Mr. Justice Mohd. Yousuf Wani, Judge.

ORDER

05.06.2026

01. Petitioners are present in person too.

02. Through the medium of the instant petition, filed under Article 226 of the Constitution of India, the petitioners have sought the issuance of writs/directions in the nature of:-

a) M*andamus for commanding upon the official respondents 2 to 4 to provide adequate protection to them, who have solemnized marriage contrary to the wishes of private respondents 5 to 8 and also of their other relatives, who are extending open threats to them.*

b) *Mandamus for commanding the official respondents to ensure that no harassment is caused to them at the hands of private respondents and their other relatives, who are hell bent upon inflicting the physical injury to them for having solemnized marriage against their wishes*.

c) *Issuance of any other writ, order or direction which this Court may deem fit and proper in the facts and the circumstances of the case.*

03. It is the case of the petitioners that they being major have contracted marriage out of their own free will and choice on 30.05.2026 in accordance with the Law. That the family of the petitioner No.1 has always remained against the relationship of the petitioners even prior to their marriage as a result of which the petitioner No.1 was subjected to great mental torture and agony. That petitioner No.1 chose to leave the parental home against the wishes of respondents 5 to 8 to live with the petitioner No.2 being her husband.

04. The statements of the petitioners were got recorded by the learned Registrar Judicial in attestation of their petition.

05. The petitioners have placed on record the scanned copies of their School Certificates and Aadhar Cards as also of the alleged "Nikah Nama". Perusal of the copies of the School Certificate and Aadhaar Cards reveals that the Date of Birth of the petitioner No.1-Rukhsana Kouser is 10th March, 2006, whileas that of petitioner No.2-Mohd. Jalani is 5th February, 2005.

06. It is submitted by the learned counsel for the petitioners that since the petitioners being major have contracted marriage out of their own free will and choice, as such the instant writ petition be disposed of at this thresh-hold stage in view of the law laid down by the Hon'ble Supreme Court of India in case "***Lata Singh vs. State of UP and ors (2006) 5 SCC 475";and "Arumugam Servia v. State of Tamil Nadu (2011) 6 SCC 405"*** decided on ***19th April 2011***, by passing the appropriate directions upon the respondents to safeguard the life and liberty of the petitioners and to prevent any sort of undue harassment to them.

07. In the facts and circumstances of the case, this Court is of the opinion that the instant matter can be disposed of at this threshold stage by passing of appropriate orders in accordance with the law.

08. Accordingly, the instant petition is disposed of at this threshold stage with the direction that the official respondents 2 to 4 shall ensure that no unjustified harassment is being caused to the petitioners and they shall be provided the protection as and when asked for the same.

09. However, in view of the ratio *decidendi* of the judgment law laid down by the Hon'ble Supreme Court of India in ***Doly Rani Vs. Manish Kumar Chanchal*** **[2024 Live Law (SC) 334-2024 SCC Online SC 754] decided on 19.04.2024**, this order shall not be construed as any opinion of this Court regarding the validity of marriage as per Personal Law guaranteeing the parties involving the adjudication of facto legal issues.

10. **Disposed of** along with connected CM.

(Mohd. Yousuf Wani)
Judge

JAMMU:
05.06.2026
Shammi