

CRWP No.1540 of 2021

Date of Decision: 12.02.2021

Manisha and another

...Petitioners

Versus

State of Haryana and others

....Respondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Ms. Gurmeet Kaur, Advocate for the petitioners.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of pandemic Covid-19.

2. Prayer in the Writ Petition under Articles 226 & 227 of the Constitution of India is for the issuance of a direction to official respondent Nos.1 to 3 to ensure the protection of life and liberty of the petitioners at the hands of respondent Nos.4 to 8 and not to interfere in the peaceful life of the petitioners. Prayers is also for the issuance of an appropriate direction to the official respondents to ensure the security of the life and liberty of the petitioners at the hands of respondent Nos.4 to 8 etc.

3. Learned counsel contends that the petitioners fulfill all conditions stipulated under law to entitle them to get married and seek protection of their life and liberty on account of having performed marriage on 11.02.2020, though against the wishes of respondent Nos.4 to 8. Learned counsel contends that petitioner No.1 is 20 years of age as is evident from

as 01.10.2020, while petitioner No.2 is 24 years of age as is evident from Aadhaar Card, Annexure P/2, where his date of birth is recorded as 20.10.1996. The petitioners have also attached marriage certificate, Annexure P/3 dated 11.02.2021 besides photographs of marriage, Annexure P/4. Learned counsel contends that the petitioners have submitted representation Annexure P/5 dated 11.02.2021 to respondent No.2 i.e. Senior Superintendent of Police, Sonipat, for redressal of their grievance but no action has been taken in respect thereto till date and that in the circumstances, the petitioners would be satisfied if the writ petition is disposed of by directing respondent No.2 to consider and decide representation Annexure P/5 dated 11.02.2021, in accordance with law, and take action as warranted in respect thereto in a time bound manner.

4. Notice to respondent No.2 only.

5. Mr. Deepak Manchanda, Addl. A.G., Haryana, accepts notice on behalf of respondent No.2 and states that he has no objection to the limited prayer made by learned counsel for the petitioners.

6. Accordingly, in view of the decision of Hon'ble the Supreme Court in **Lata Singh vs. State of UP and others, JT 2006 (6) SC, 173** but without commenting upon the age of the petitioners, validity of their marriage or the authenticity of the documents attached with the writ petition, the writ petition is disposed of by directing respondent No.2 i.e. Senior Superintendent of Police, Sonipat, to consider and decide representation, Annexure P/5 dated 11.02.2020, submitted by the petitioners as expeditiously as possible and take action in respect thereto in accordance with law as may be warranted keeping in view the threat

perception to the petitioners. However, it is made clear that this order shall not bar any civil or criminal proceedings initiated against the petitioners in accordance with law.

February 12, 2021
'Rajesh/Rajneesh'

(B.S. Walia)
Judge

Whether speaking/ reasoned

:

Yes/No

Whether reportable

:

Yes/No