Serial No. 10
Regular Cause List

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT SRINAGAR

WP(C) No. 2674/2026

Manzoor Ahmad Shah and Anr …Petitioner(s)/Appellant(s).

Through: Mr. Tawheed Ahmad, Advocate

Vs.

UT of J & K and Ors ...Respondent(s).

Through: None.

CORAM:

HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE

ORDER

27.10.2026

1. Petitioners are present in person too.

2. Through the medium of the instant petition, filed under Article 226 of the Constitution of India, the petitioners seek issuance of writs/directions in the nature of:

   (a) "Mandamus, commanding the official respondents 1 to 5 to provide protection to them as they are under constant threat to their life from respondents 6 to 9.

   (b) Mandamus commanding the respondents 1 to 5 not to harass them being legally wedded husband and wife or any member of the family or relative of the petitioner No. 1.

   (c) Mandamus commanding the respondents 6 to 9 to allow them to lead their matrimonial life peacefully and without there being any interference on their part."

3. It is the case of the petitioners that they being major have contracted marriage out of their own free will and choice in accordance with Personal Law. That they have already performed "Nikah Ceremony" in accordance with the Personal Law guaranteeing them on 15th May, 2026. That a photocopy of "Nikah Nama" evidencing the "Nikah Ceremony' stands enclosed with the petition as Annexure-I thereto. That the family of the petitioner No.2 has always remained

against the relationship of the petitioners and have been threatening them of dire consequences. That the private respondents 6 to 9, who happen to be the near relatives of petitioner No.2, are forcing her to enter into marriage somewhere else against her wishes. That the petitioners also apprehend that the aforesaid private respondents may lodge a false and frivolous complaint before the police concerned to get an FIR registered against the petitioner No. 1.

4. The petitioners have placed on record the scanned copies of their Aadhar Cards and Date of Birth Certificates as also of the alleged "Nikah Nama". Perusal of the copies of the Date of Birth Certificates reveal the Date of Birth of the petitioner No. 1—Manzoor Ahmad Shah as 03.11.1999, while as that of petitioner No. 2—Rizwana Rashid as 25.12.2004.

5. The petitioner No. 1 has admitted in his affidavit that he was earlier married but that marriage stands dissolved in connection whereof he furnished for the perusal of the Court xerox copy of the interim order dated 03.09.2026 passed by the Court of Additional Special Mobile Magistrate, Beerwah on a maintenance petition under Section 144 BNSS titled "Rubeena vs. Manzoor Ahmad Shah. The petitioner also testified the said fact in the open court in presence of petitioner No. 2.

6. The Statements of the petitioners were got recorded by the learned Registrar Judicial of this Court in attestation of the petition and the statements made in the open court.

7. 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 of the appropriate directions upon the respondents to safe guard the life and liberty of the petitioners, to prevent any sort of

undue harassment to them, and also interference with their matrimonial life.

8. 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.

9. Accordingly, the instant petition is disposed of at this threshold stage with the following directions:

    i) The official respondents 1 to 5 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;
    ii) The respondents 6 to 9 shall also desist from causing any illegal and unjustified harassment to the petitioners, so that their right to life and personal liberty is not interfered with.

10. However, in view of the ratio decidendi of the 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.

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

(MOHD YOUSUF WANI)
JUDGE

SRINAGAR
27.10.2026
Shahid Manzoor