

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.10.2021

CORAM:

**THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN**

**W.P.No.19364 of 2021**  
**and W.M.P.No.20654 of 2021**

Michael Arul

...Petitioner

Vs.

1.The Inspector of Police,  
Kanathur Police Station,  
ECR Road,  
Chengleput District.

2.The Superintendent,  
Central Jail Puzhal,  
Puzhal, Chennai – 600 066.

3.Inspector General of Registration,  
100, Santhome High Road,  
Raja Annamalai Puram, Chennai – 600 028.

4.The Sub Registrar,  
Red Hills, Chennai.

...Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the respondents 3 & 4 herein to accept the petitioner's request for executing the deed of power of attorney in favour of his proposed agent at Central Jail, Puzhal and register the same in the premises of the Central Jail, Puzhal.

For petitioner : Mr.J.Pothiraj  
For respondents : Mr.Yogesh Kannadasan  
Government Advocate

**ORDER**

This writ petition has been filed for a mandamus to direct the respondents 3 and 4 herein to accept the petitioner's request for executing the deed of power of attorney in favour of his proposed agent at Central Jail, Puzhal and register the same in the premises of the Central Jail, Puzhal.

2.The case of the petitioner is that he was having matrimonial dispute with his wife viz., Jennifer Arul and the said matrimonial dispute went upto the Hon'ble Supreme Court, the Hon'ble Supreme Court by its order dated 19.02.2021 in Contempt Petition (C) No.627/2020 in R.P. (Criminal) No.409/2018 in SLP (Criminal) No.4253/2017 directed the petitioner to pay monthly maintenance regularly to his wife viz. Jennifer Arul or otherwise the petitioner would be put to arrest and imprisoned.

3.According to the petitioner, he does not have individual properties however, in all properties, he has only share and cannot individually sell

them, therefore, he was not in a position to sell the property to comply with the orders of the Hon'ble Supreme Court, though it was mentioned, the Hon'ble Supreme Court directed the petitioner to be put in civil prison and accordingly, the petitioner has been arrested on 24.07.2021 by the first respondent Police.

4. According to the petitioner, originally he has been confined to Saidapet Sub Jail and later considering his ill-health and the requirement of surgeries for prostate and urine infection, he has been admitted to Stanley Medical College Hospital for treatment.

5. The petitioner submits that during the course of the treatment, without taking care of the petitioner's health, the Authorities of Stanley Medical Hospital, discharged the petitioner on 24.08.2021 and now the petitioner is confined at the Central Jail Puzhal.

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6. The petitioner further submits that he needs money desperately to meet his personal expenses and also to meet certain other commitments and

for this purpose, he wants to sell some of his shares in the property allotted to him and in order to accomplish the same while in prison, he wants to appoint Dr.Susanne Gerl, who is his close friend and another Director of his Company CCG Technologies India Private Limited as his agent through a General Power of Attorney.

7.According to the petitioner, since he is confined in prison, he is unable to execute the Power of Attorney and get it registered in the concerned Sub Registrar's Office.

8.The petitioner submits that through his friend and proposed power agent, approached the fourth respondent on 25.08.2021 to consider his request, the fourth respondent has informed the petitioner's friend that only if a direction is obtained from the Court, they will be in a position to register the Power of Attorney.

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9.The petitioner further submits that now he is in Central Jail Puzhal, he cannot move out because of his confinement as per the order passed by

the Hon'ble Supreme Court and he wants to execute the Power of Attorney to sell his shares in some of the properties to meet his day to day expenses and for the litigation by appointing an agent to sell his shares in the property.

10. According to the petitioner, he is a senior citizen and suffering due to bad health condition and in order to accomplish the sale, he has to necessarily execute the General Power of Attorney.

11. The petitioner submits that he has been confined at Sub Jail Saidapet and he has been admitted in Stanley Medical College Hospital and all his efforts at the time to execute General Power of Attorney went in vain, though the Sub Jailor, Saidapet granted permission for filing the writ petition and necessary attestation in his affidavit, the Resident Medical Officer, Royapettah failed to cooperate.

12. The petitioner has no other alternative remedy except to approach this Court under Article 226 of the Constitution of India. Hence, the writ petition filed.

13.Heard, learned counsel for the petitioner and learned Government Advocate for the respondents and perused the materials available on record.

14.On going through the typed set of papers, it is seen that due to matrimonial dispute between the petitioner and his wife and the said matrimonial dispute went upto Hon'ble Supreme Court, the Hon'ble Supreme Court by order dated 19.02.2021 in Contempt Petition (C) No.627/2020 in R.P. (Criminal) No.409/2018 in SLP (Criminal) No.4253/2017 directed the petitioner to pay monthly maintenance regularly to his wife or otherwise the petitioner would be put to arrest and imprisoned. Since the petitioner has not complied with the order, he has been arrested on 24.07.2021 by the respondent Police. The petitioner is in need of money desperately to meet his personal expenses and also to meet certain other commitments and for this purpose. The petitioner wants to sell some of his shares in the property allotted to him and in order to accomplish the same while in prison, the petitioner wants to appoint Dr.Susanne Gerl, who is his close friend and another Director of his Company CCG

Technologies India Private Limited as petitioner agent through a General Power of Attorney.

15.In view of the above and the submission made by the petitioner and as per the statement of the fourth respondent, this Court is of the view that the petitioner is directed to send the Power of Attorney executed by him through the second respondent/Superintendent, Central Jail Puzhal, Chennai and the Second respondent shall forward the same to the fourth respondent/Sub Registrar, Red Hills, Chennai, the fourth respondent shall receive the same and consider if everything in order and to proceed further in this regard as per the procedures established under law and pass appropriate orders by registering the same. No costs.

16.With the above observation and directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Index: Yes/no  
Speaking Order: Yes/no  
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***Note: Issue order copy on 08.10.2021***

**V.BHAVANI SUBBAROYAN, J.**

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To

- 1.The Inspector of Police,  
Kanathur Police Station,  
ECR Road,  
Chengleput District.
- 2.The Superintendent,  
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Puzhal, Chennai – 600 066.
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