



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 01.08.2019
CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.22492 of 2019

Mr.Vikram Ramakrishnan

... Petitioner

Vs

1. The Secretary,
Ministry of Human Resource & Development (HRD),
Shastri Bhawan, New Delhi - 110 001.

2. The Chairman,
Auroville Foundation,
No.3, Nayaga Marg Chanakyapuri,
New Delhi - 110 021.

3. The Secretary,
Auroville Foundation,
Bharat Nivas P.O.,
Matrimandir Road,
Auroville, Bommayapalayam,
Villupuram District - 605 101.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, issuance of a writ of mandamus, directing the second and third respondents to take action on the basis of the enquiry report submitted by the Enquiry Committee and serve the petitioner the copy of the same.

For Petitioners : Mr.N.Kumar Rajan

For Respondents : Mr.K.Gunasekar
SPCCG for R1

O R D E R

(Order of this Court was made by S.MANIKUMAR, J.)

Petitioner has sought for a writ of mandamus, directing the Chairman, Auroville Foundation, New Delhi and the Secretary, Auroville Foundation, Villupuram District, respondents 2 and 3 respectively, to take action on the basis of the enquiry report submitted by the Enquiry Committee and also for a further direction to the respondents to furnish a copy of the enquiry report to him.



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2. In the supporting affidavit, petitioner has made allegations, pertaining to the activities of Auroville foundation and also seemed to have made criminal complaints, alleging land grabbing. Based on a complaint of the petitioner, Chairman, Auroville Foundation, Ministry of Human Resource and Development, Government of India, has addressed a letter dated 29.04.2019, to the Secretary, Auroville Foundation, wherein, he has constituted a Enquiry Committee, with the Secretary, Auroville Foundation as convener and members, in terms of Section 16 of Auroville Foundation Act. He has requested the Secretary, Auroville Foundation, 3rd respondent to submit a report by 30.06.2019.

3. Chairman, Auroville Foundation, Ministry of Human Resource and Development, Government of India, has written another letter dated 30.05.2019 to the Secretary, Auroville Foundation. Letters dated 29.04.2019 and 30.05.2019 of the Chairman are extracted.

Dr.Karan Singh
Chairman

AUROVILLE FOUNDATION
Ministry of H.R.D., Govt. of India

Secretary, Auroville Foundation

Vikram Ram has been making a series of serious allegations against the Foundation in General and Under Secretary, Srinivasamurthy in particular. The latest I have seen today is a letter to the president and the Prime Minister. I have received a long explanation from Srinivasamurthy, which I am sending you with this letter.

This is a serious matter and we cannot be idle spectators. To look into this entire matter I set up an Enquiry Committee with you as the Convenor and former Secretary Bala Bhaskar, Board of Members Smt.Nirima Oza, Shri Airban Ganguly and Shri Madan Gopal Madabhushi as Members. This Committee will be in terms of Section 16 of the Auroville Foundation Act. I would like the Committee to report by 30th June 2019. Please give this matter your urgent attention immediately on your return from leave and report back to me.

Sd/-

Karan Singh,
April 29, 2019

Dr.Karan Singh
Chairman

AUROVILLE FOUNDATION
Ministry of H.R.D., Govt. of India



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Secretary, Auroville Foundation

I am glad to know that the Enquiry Committee will meet early in June. It would like to clarify that it does not have to go into all the multiple allegations made by Vikram Ram. It should rather concentrate on specific allegations to which Srinivasamuthy must be given full opportunity to reply. He has served Auroville devotedly for 20 years and on several occasions has held office of Acting Secretary. We must ensure that he gets a fair and full hearing.

Sd/-

Karan Singh,
May 30, 2019

4. Furtherance to the Enquiry Committee, petitioner has been given an opportunity to appear on 06.06.2019 and furnish details and evidence regarding the alleged mismanagement in Auroville Working Groups, etc. Petitioner has also addressed a letter dated 06.06.2019 to the Enquiry Committee, Members of the Governing Board, Auroville, Ministry of Human Resources and Development to arrive at an appropriate decision and take action.

5. For brevity letter dated 06.06.2019, is reproduced.

To

The Inquiry Committee,
Members of Governing Board,
Auroville Foundation,
Ministry of HRD,
India.

Subject: - Regarding the Inquiry Committee formed by Dr.Karan Singh, on various issues of mismanagement in Auroville raised by me vide letter dated 29th April 2019.

Respected Team of the Inquiry Committee,

I am grateful that I was given the opportunity today, 6th June 2010 to meet the Inquiry Committee and give all details and evidences of gross mismanagement in Auroville; Working Groups, some Aurovillians and the Foundation Office functionality. The issues raised by me is against the Gross Corruption of Auroville in "particular", and Mr.Srinivas Murthy in "general" and was misinterpreted in the inquiry letter.

I had a detailed discussion and submitted all my documents and evidence, and I came to a conclusion that Mr.Srinivas Murthy is part of the entire system that has allowed so much corruption in Auroville, and there is nothing specific against him except "going with the flow". It is the root



system of corruption that needs to be addressed, first and foremost.

As such, I humbly request the inquiry committee to arrive at a decision as deemed fit, and take action against individuals eroding the Principles of The Mother & Law of The Land.

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Warm Regards,

Sd/-

Vikram Ramakrishnan.

6. On the above facts, petitioner has sought for a writ of mandamus, for the relief stated supra.

7. We heard Mr.N.Kumar Rajan, learned counsel for the petitioner and perused the materials available on record.

8. When the matter came up on 31.07.2019, we posed a question to the learned counsel for the petitioner, as to whether Auroville Foundation, will fall within the ambit of Article 12 of the Constitution of India or not.

9. Inviting the attention of this Court to the Auroville Foundation Act, 1988 Mr.N.Kumar Rajan, learned counsel for the petitioner submitted that Auroville Foundation is a statutory body governed by the Ministry of Human Resources and Development, New Delhi. We perused the Auroville Foundation Act, 1988. Hence, we are of the view that writ petition against respondents 2 and 3 are maintainable.

10. On the basis of the complaint made by the petitioner, enquiry committee has already been constituted. Petitioner has also been given an opportunity on 06.06.2019. The very purpose of constituting the committee is for examining matters which are alleged to be serious. At this juncture, it would not be appropriate, to arrive at a conclusion that no action would be taken on the basis of the enquiry report. It is expected that on the basis of the enquiry report, appropriate action would be taken and therefore, there is no need to issue any mandamus at this juncture. It is not the case of the petitioner that the respondents would not take any action on the basis of the enquiry report nor there is any allegation in the supporting affidavit to that effect. Even material on record does not disclose conclusion of enquiry ordered by the Chairman, Auroville Foundation, Ministry of Human Resource Development, Government of India.

11. On the aspect of serving a copy of the enquiry report to the petitioner, on the grounds inter alia that the very enquiry had commenced only on the complaint of the petitioner and therefore, he has a right to obtain a copy of the enquiry report, when attention of the learned counsel for the petitioner was invited to Section 8(1)(j) of the Right to



Information Act, 2005, learned counsel for the petitioner submitted that an application would be made under the said Act, for copy of the report. Submission of the learned counsel for the petitioner is placed on record.

12. In the light of the above discussion, we are not inclined to issue a mandamus, as sought for. Writ petition is dismissed. No Costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

The Secretary,
Ministry of Human Resource & Development (HRD),
Shastri Bhawan, New Delhi - 110 001.

+1cc to Mr.K.Kumar , Advocate SR.No. 65793

+1cc to Mr.K.Gunasekar , Advocate SR.No. 66102

W.P.No.22492 of 2019

A.SK(22/08/2019)