



W.P.No.12980 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved On : 28.03.2024

Pronounced On : 01.08.2024

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

WP.No.12980 of 2023

and W.M.P.Nos.12762, 12766 and 33967 of 2023

Working Committee of the Residents' Assembly of Auroville
Represented by its Member Hemant Lamba
Having office temporarily at Koodam,
No.1 Crown Road
Auroville 605 101
Tamil Nadu

... Petitioner

VS

- 1.Anuradha Legrand
- 2.Parthasarathy Krishnan
- 3.Arun Selvam
- 4.Srimoyi Rossegger
- 5.Ingeborg Christine Neuman Zimm (Tine)
- 6.Jose Eusebio Martinez Burdaspar (Joseba)
- 7.Selvaraj Damodaran
- 8.Secretary to the Governing Board,
Auroville Foundation,
Auroville Foundation Bhavan,
Auroville 605 101.



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... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Quo Warranto removing respondents 1 – 7 from acting/holding out as members of the Working Committee of the Residents' Assembly of Auroville under Section 20 of the Auroville Foundation Act, 1988.

For Petitioner : Mr.P.V.Balasubramanian
Senior Counsel
For Mr.Suchindran.B.N.

For Respondents : Mr.Vaibhav Venkatesh (R8)
No appearance (R1 to R7)

ORDER

The petitioner claims to be the Working Committee of the Residents Assembly of Auroville, (in short 'Working Committee) and seeks relief of quo warranto as against R1 to R7 who also project themselves as constituting the Working Committee. The submissions of Mr.P.V.Balasubramanian, learned Senior Counsel appearing for Mr.Suchindran, learned counsel on record for the petitioner and Mr.Vaibhav Venkatesh, learned counsel appearing for R8 have been heard in detail. None appears for R1 to R7.

2. Before advertng to the submissions advanced on the main prayer, I deal with the preliminary objection raised by R8 in regard to the maintainability of the writ petition in WMP No.33967 of 2023 alleging perjury. According to



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R8, the petitioner has grossly erred in projecting itself as the Working Committee of the Residents Assembly of Auroville.

3. R8 proceeds on the basis that it is only R1 to R7 who are the members of the Working Committee as per Section 20 of the Auroville Foundation Act and the records of the Auroville Foundation. Hence the very conduct of the petitioner in styling and showcasing itself as the Working Committee is one of impersonation and amounts to perjury under Section 195 of the India Penal Code 1860 (IPC) r.w. Section 340 of the Criminal Procedure Code for offences under Sections 193 of the IPC dealing with 'Punishment for false evidence' and Section 471 of the IPC for 'Using as genuine a forged document or electronic record.

4. Per contra, the petitioner would submit that the allegation was entirely misconceived as there is neither any forged document attracting the application of Section 471 of the IPC nor any false evidence that has been produced, attracting the application of section 193 of the IPC. In fact, even the affidavit filed in support of the application does not make reference to evidence produced or forged document and with this, the premise of the allegation of perjury fails.

5. Thus, while R8 maintains that R2 to R7 have been duly elected as members of the Working Committee, the records of Auroville reflect only the names of its constituents as members of the Working Committee of the Residents' Assembly, and enjoy the confidence of the Residents' Assembly as



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statutorily required in terms of Section 20(2) of the Act, the petitioner would

insist that its constituents have been validly elected by the Residents Assembly and enjoy their full confidence.

6. Having heard the rival submissions, I agree with the petitioner that there is no substance in the plea for perjury and that the same is misconceived. Perjury is dealt with in terms of Section 191 of the IPC coming under Chapter XI entitled '*of false evidence and offences against public justice*'. Section 191 reads thus:

'191. Giving false evidence. Whoever, being legally bound by an oath or by an express provision of law to state the truth, or being bound by law to make a declaration upon any subject, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true, is said to give false evidence.'

Explanation 1.—A statement is within the meaning of this section, whether it is made verbally or otherwise.

Explanation 2.—A false statement as to the belief of the person attesting is within the meaning of this section, and a person may be guilty of giving false evidence by stating that he believes a thing which he does not believe, as well as by stating that he knows a thing which he does not know.'

7. As rightly pointed out, though reference has been made to Sections 193 and 471 of the IPC, R8 is silent as to what the forged document is or as to what false evidence has been produced. Thus, reference to these statutory provisions is meaningless. That apart, Section 191, touching upon the giving of



false evidence, would not apply in the present case as no evidence has, per se, been presented by the petitioner.

8. Both the petitioner and respondents claim to be legally constituted Working Committees of the Residents' Assembly. This dispute would thus have to be decided after appreciation of the submissions advanced by both parties as well as the extant Rules and Regulations. The question of Quo Warranto would itself arise only after such decision.

9. Each party is entitled to interpret the statutory provisions and Rules to favour their own position. Such interpretation would not, in my considered view, have the consequence of the party perjuring itself. At the end of the day, only one of the parties will be held to be a validly constituted committee in line with the Rules. This adjudicatory process cannot be frustrated by one of the parties alleging perjury on the part of the other. The prayer in this application seeks to put the cart before the horse and for these reasons, the preliminary objection relating to perjury is rejected.

10. The submissions of the petitioner on the merits are as follows. The Auroville Foundation Act, 1988 (in short 'Act'), under Section 20, recognises a Working Committee, which is to comprise of 7 members. Three members of the petitioner Committee, along with R1 to R4, had initially been elected as



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members of the Working Committee of the Residents' Assembly, on various dates.

11. The Residents' Assembly is an autonomous body and a democratic one, which functions bearing in mind the best interests of the Auroville community. Their tenure of the Working Committee in office is thus subject to the members holding the confidence of the house, i.e., the Auroville community.

12. The petitioner submits that in electing the 7 members that constituted the Working Committee, the 'Participatory working groups document' and the selection process enshrined therein, was put into play. The composition of the original Working Committee was (i) Sauro Mezzetti, (ii) Chali Grinnell, (iii) Parthasarathy Krishnan (R2), (iv) Arun Selvam (R3), (v) Srimoyi Rossegger (R4) (vi) Hemant Lamba and (vii) Ingeborg Christine Neuman Zimm (Tine) (R5) (collectively referred to as 'original Working Committee').

13. While this was so, there came about serious differences of opinion between some members of the original Working Committee, being Hemant Lamba, Sauro Mezzetti and Chali Grinnell (referred to henceforth as the 'break-away group'), and the remaining four members of the original Working Committee. The differences are stated to have flared up post the appointment of R8, as the Secretary to the Governing Board of Auroville Foundation.



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14. The petitioner alleges that the resident Aurovilians had been harassed in many forms and on the night of 05.12.2021, with the help of police force, bulldozers and earthmovers were used to demolish buildings and make a clearing for a proposed Crown road. Several trees were cut and cleared for this purpose.

15. This endeavour was the subject matter of challenge before the National Green Tribunal in O.A.No.239 of 2021 (*Navroz Mody V. Auroville Foundation*). The case was disposed on 28.04.2022 directing the parties to the litigation to prepare a Township plan in accordance with specific stipulations. Further construction was stopped and that order has been challenged by R8 before the Supreme Court in C.A.Nos.5781-5782 of 2022.

16. According to the petitioner, the above events lead to a loss of confidence on the part of several Aurovilians in the original Working Committee. Two meetings were called, on 04.04.2022 and 24.04.2022, to decide on the motion of no-confidence. According to the petitioner, the vote was conducted on the basis of the then extant procedure in a meeting where 864 out of 2389 eligible Aurovilians voted, and the results were announced on 10.05.2022. The results revealed that the members of the break-away group had been confirmed by 94%, 96% and 94% respectively of the total votes cast, whereas R1 to R4 had been dismissed by an overwhelming majority.



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17. The decision of the Residents' Assembly had been communicated to the Governing Body, the International Advisory Council and R8. However, R1 to R4 had declared their intention not to abide by the results and continued to project themselves as members of the Residents' Assembly.

18. Despite the success of the members of the break-away group in the elections, they were been prevented from taking over the functioning of the Residents' Assembly. On the contrary, R1 to R4 have unilaterally co-opted three members, R5 to R7, so as to constitute 7 members, and are projecting themselves as the Working Committee of the Residents' Assembly as on date.

19. In order to make up the strength of the Working Committee, the Residents Assembly, according to the petitioner, met on the 25th and 26th of June, 2022 and the places of R1 to R4 were replaced by Aravinda Maheswari, Ilayabharathy Somasundaram, Valli Senthilkumar and Mael Shanthi. The composition of the Petitioner Working Committee thus comprises Hemant Lamba, Sauro Mezzetti, Chali Grinnell, Aravinda Maheswari, Ilayabharathy Somasundaram, Valli Senthilkumar and Mael Shanthi.

20. As regards Mael Shanthi, he has been issued a notice dated 15.02.2023 by the authorities concerned, to leave India. However, he is still in the Country, as he is stated to be engaged in negotiations with the authorities. To be noted that no challenge appears to have been mounted to the leave India notice itself and in any event, no document has been produced to indicate a



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suspension of the notice as at present. The authority upon which said Mael Shanthi continues to reside in India is thus unknown and the burden resting upon the petitioner to explain this aspect remains undischarged.

21. The respondents have also been taking steps to update the Register of Residents in regard to the status of Mael Shanthi which is resisted by the petitioner as being contrary to the mandate of the *Auroville (Admission and Termination of Persons in the Register of Residents) Regulations, 2023* and the procedure set out thereunder.

22. In the meanwhile, an Officer-on-Special duty (OSD) had been appointed by the Governing Board of the Auroville Foundation bearing in mind the friction in the functioning of the Residents' Assembly and in specific, the Working Committee, as also the fact that the affairs of Auroville needed to be set right and streamlined.

23. On 06.05.2022, the OSD issued a letter suspending the decision-making processes of the Residents' Assembly on the ground that the Residents' Assembly did not have a proper list of its members. Admittedly, the list of members is presently under updation as the list, in its present form, does not represent the proper and correct composition of the Residents' Assembly.

24. W.P.No.14707 of 2022 had been filed challenging communication dated 06.05.2022 which had been allowed on 12.08.2022. The aforesaid order



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was challenged in W.A.No.1961 of 2022 and interim stay granted by the

Division Bench on 26.08.2022. The interim orders have been modified on 04.09.2023 to clarify that the process of updation of the members list shall proceed unhindered by the writ appeal or the interim orders granted earlier.

25. The locks on the doors of the Residents' Assembly office had been changed and the petitioner Committee members had been prevented from entering the office from 02.06.2022 onwards. A police complaint has been filed in that regard. Several complaints have been made as against R8, alleging high-handedness in the running of the operations which includes summary termination of service of various executives in Auroville.

26. In fine, the case of the petitioner is that it is the petitioner which is the legitimate Working Committee of the Residents' Assembly and that R1 to R7 are usurpers projecting themselves to be members of the Working Committee when they have no authority under the extant Regulations to do so.

27. The petitioner was asked to make specific submissions on the aspect of maintainability of the Writ Petition based upon the admitted position that there are, as on date, no Regulations in terms of which a proper procedure is stipulated for election/selection of the members of the Working Committee. Though Regulations were framed in 2023, the operation of the same have been stayed by the First Bench of this Court.



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28. The basis of a Writ of Quo Warranto is the disqualification suffered by a candidate in holding a specific post. The qualifications that have been set out under the Act is that the candidate for membership of the Working Committee must be a major, and a resident of Auroville. Admittedly, the constituents of the petitioner Committee, as well respondents 1 to 7 are majors. There is however some dichotomy on the aspect of whether they are residents per the Residents' register.

29. As noted supra (in paragraph 24), the First Bench has, on 04.09.2023, directed that the process of updation of the members register shall go on. In such circumstances, it is clear that the members list, in its present form is incomplete and hence unreliable for all intents and purposes. Thus, this Court cannot, and is not inclined to go into the aspect of whether the respondents, or for that matter the members of the petitioner Committee, have earned any disqualification on this score.

30. The submissions of R8 are taken in common for all respondents. According to R8, the petitioner has no locus standi to file the present Writ Petition as it has not satisfied the ingredients necessary for the seeking of a writ of quo warranto. The Respondents also contest the procedure followed in the election of the members of the petitioner Working Committee. While they accede to, and accept the Participatory Working Group (PWG) selection process



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for selection/election of Working Committee members, they deny outright the document styled as the 'Residents' Assembly decision making process' followed in the meetings of April (04.04.22 and 24.04.22) when the vote of no-confidence removing them, was passed.

31. According to R8, the functioning of the Residents' Assembly has, over the years, been at odds with the avowed intents of the Mother. It was thus that intervention became necessary to restore order to the functioning of Auroville to bring it in line with the divine Charter of the Holy Mother.

32. The rapid deterioration of law and order and the sad state of affairs in Auroville received judicial notice of the Supreme Court in *S.P.Mittal V. Union of India and Ors*¹, the Court going to the extent of stating that the situation prevailing in Auroville had converted the dream of the Mother into a nightmare.

33. An emergency Ordinance was passed in 1980 and the Auroville Foundation Act passed in 1988 vesting the management, control and authority of Auroville to the Governing Board. Various provisions of the Act are referred to, to outline and explain the roles of the Governing Board, International Advisory Council appointed by the Central Government and the Residents' Assembly.

34. The Residents' Assembly and its Working Committee of 7 members drawn from within its own members aid in the management of administrative

¹Foot Note Supra 17
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functioning of Auroville. Their duty is advisory and recommendatory, to aid and assist the functioning of the Governing Board.

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35. Submissions are made in regard to the Master Plan for Auroville which was formulated consequent on a Resolution passed in 1999. The Master Plan has itself been the subject matter of contentious litigation before various fora and hence the submissions in regard to this aspect are not dilated upon. Suffice it to say that there has been serious differences of opinion between various groups/factions within Auroville itself in implementation of the Master plan and the manner in which the affairs of Auroville must be conducted going forward.

36. Seeking to maintain the prayer of quo warranto, R8 would argue that the petitioner is an impersonator. According to R8, the official records of Auroville would support the claim of R1 to R7 that they constitute the legitimate Working Committee of the Residents' Assembly. R8 alleges suppression of relevant facts including the filing of FIRs as against several members of the petitioner Working Committee.

37. R8 also alleges that information relating to the functioning of Auroville was deleted by the petitioner from the hard drives of the official computers in the Working Committee office. The appointment of the OSD was thus necessitated to bring some order to the functioning of Auroville and the



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communication issued by the OSD was specific to the effect that no substantial policy decision be taken till such time the Register of Residents had been updated.

38. As regards the vote of no-confidence on the basis of which the petitioner claims to derive sustenance and authority, R8 points out that, even according to the petitioner, only 864 residents had allegedly participated in the online voting for the vote of no-confidence.

39. In the absence of any authoritative Regulation for the process of election/selection, the petitioner cannot place any reliance on the procedure followed for their selection. Further, their claim that the total number of eligible Aurovilians is 2389 is baseless as the members' register is itself incomplete as on date. It is also unknown as to whether the 864 members whom the petitioner claims had voted, were eligible and held valid memberships in the Resident' Assembly. There is also no merit in the claim that 10% of the members would contribute the quorum for the meeting as the PWG document does not make any such stipulation.

40. Thus, the results declared on 10.05.2022 were skewed, incorrect and liable to be eschewed. R8 would allege that the events of 04.04.22 and 24.04.2022, and 25.06.2022 and 26.06.2022, had been manipulated by the petitioner and the procedure followed for their election did not have the backing of either a statutory Regulation or time-tested convention.



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41. While acceding to the Participatory Working Group document and the modus operandi set out thereunder, as being the proper method for selection/election to the Working Committee of the Residents Assembly, they deny the 'Residents' Assembly decision making process' document and the process by which the vote of no-confidence was passed.

42. The respondents thus proceeded to follow the process set out under the PWG document and replaced the three break-away members with three others, namely, R5 to R7. The members of the Auroville community were duly informed and the records of the Residents' Assembly updated in this regard. Thus, according to them, R1 to R4 appointed in 2021 and R5 to R7 appointed in 2022 constitute the legitimate Working Group since May 2022 onwards. R8 also points out that the removal of the three break-away members has not been challenged thus far before any competent Court and has thus attained finality.

43. The judgments cited by the parties relate to the maintainability of the prayer of quo warranto, and are set out below:

Petitioner's citations:

1. *University of Mysore V. C.D.Govinda Rao*²
2. *State of Haryana V. Haryana Coop. Transport Ltd.*³
3. *Bhanumati V. State of U.P.*⁴
4. *Usha Bharti V. State of U.P.*⁵

² 1963 SCC OnLine SC 15

³ (1977) 1 SCC 271

⁴ (2010) 12 SCC 1

⁵ (2014) 7 SCC 663



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5. *Vipulbhai M.Chaudhary V. Gujarat Coop. Milk Mktg. Federation Ltd.*⁶

6. *Bar Council of Delhi V. Bar Council of India*⁷

7. *Luvezo Venuh V. State of Nagaland*⁸

8. *Dr.Birendra Kumar Singh V. Bihar School Examinatoion Board*⁹

9. *Sanjay V. Divisional Commissioner*¹⁰

10. *Tripti Rani V. State of U.P.*¹¹

11. *Prabodhan Education Society V. Sanjay Walavalkar*¹²

12. *Bharati Reddy V. State of Karnataka and others*¹³

13. *Working Committee of the Residents Assembly of Auroville V. Secretary to the Governing Board Auroville foundation*¹⁴

14. *Hemant Lamba V. The Auroville Foundation and Ors.*¹⁵

15. *Dr.Kashinath G. Jalmi and anr. V.The Speaker and others.*¹⁶

8th Responder's citations:

1. *The Auroville Foundation V. Krishna Devanandan*¹⁷

2. *S.P.Mittal V. Union of India and Ors.*¹⁸

3. *The Auroville Foundation V. Krishna Devanandan*¹⁹

4. *Natasha Storey V. The Auroville Foundation*²⁰

5. *Namrita Bindra-Gautier V. Auroville Foundation*²¹

6 (2015) 8 SCC 1

7 1974 SCC OnLine Del 181

8 1993 SCC OnLine Gau 41

9 2016 SCC OnLine Pat 9666

10 2017 SCC OnLine Bom 7993

11 2020 SCC OnLine All 1049

12 2020 SCC OnLine Bom 6809

13 (2018) 6 Supreme Court Cases 162

14 Division Bench - W.P.No.1477 of 2024 interim order dated 23.02.2024

15 Division Bench – C.M.P.No.4174 of 2023 in C.M.P.No.14291 of 2022 in W.A.No.1961 of 2022 order dated 04.09.2023

16 (1993) 2 Supreme Court Cases 703

17 Division Bench – W.A.Nos.1962 and 1961 of 2022 interim order dated 26.08.2022

18 (1983) 1 SCC 51

19 Division Bench – W.A.Nos.1962 and 1961 of 2022 interim order dated 09.09.2022

20 W.P.No.22895 of 2022 dated 13.10.2022

21 W.P.No.18302 of 2022 dated 19.12.2022



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6. *Auroville Foundation V. Inspector of Police, Auroville Foundation, Villupuram District.*²²

7. *Working Committee of the Residents Assembly of Auroville V. Secretary to the Governing Board Auroville foundation*²³

8. *The Auroville Foundation V. Krishna Devanandan*²⁴

9. *Bharati Reddy V. State of Karnataka and Ors.*²⁵

10. *Dr.Premachandran Keezhoth and Another V. Chancellor Kannur University and Others.*²⁶

44. I have heard learned counsel and perused the material available on record. The parties to this litigation are at logger heads over various issues involving the functioning of Auroville. W.P.Nos.11738 and 14707 of 2022 had been filed by the present petitioner challenging the appointment of the OSD and the communication issued by him in terms of which an embargo had been imposed on all policy decisions to be undertaken by the Residents' Assembly pending the updation of the Residents register.

45. The Writ Petitions had come to be allowed by a learned single Judge on 12.08.2022 as against which order, R8 had filed appeals in W.A.Nos.1961 and 1962 of 2022. An interim order had been granted on 26.08.2022. Since the First Bench was of the view that the single Judge had, in allowing the writ petitions, gone beyond the scope of the pleadings and exceeded the prayer

22 CrI.O.P.No.8224 of 2023 dated 13.04.2023

23 Division Bench - W.P.No.1477 of 2024 interim order dated 18.03.2024

24 Division Bench – W.A.Nos.1962 and 1961 of 2022 order dated 18.03.2024

25 (2018) 6 Supreme Court Cases 162

26 2023 SCC OnLine SC 1592



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sought in issuing directions under paragraph 69 of order dated 12.08.2022, the order was stayed.

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46. Since an omnibus interim stay had resulted in administrative and logistical difficulties, the interim order was modified on 04.09.2023 by the First Bench and directions issued to the effect that, (i) the Residents' Assembly may function as provided under Sections 18 to 20 of the Auroville Foundation Act, 1988 and (ii) Residents' Assembly shall not take policy decisions which alter the existing structure and working of the Auroville Foundation. It is this order that governs the functioning of Auroville as on date, read with the order passed by the OSD dated 06.05.2022 which refers to the on-going updation of the Residents' Register.

47. The Auroville Foundation Act comprises of three statutory bodies, the Governing Board, the Residents' Assembly and the Auroville International Advisory Council in terms of Section 10(3) under chapter III entitled '*The Auroville Foundation*'. Section 11 deals with the Governing Board, Section 12, the term of office of the Members of the Governing Board, Sections 13 and 14, the salary, allowances and other conditions of the service of the Chairman and the meetings of the Governing Board and Sections 15 and 16, the Secretary and the other officers of the Foundation and the Committees of the Governing



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Board. Section 21 deals with the constitution of the Advisory Council, to comprise 5 members nominated by the Central Government.

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48. Sections 18 to 20 deal with the Residents' Assembly, the functions of the Residents Assembly and the constitution of the Working Committee of the Residents' Assembly. Section 18(1) states that the Residents' Assembly shall comprise all the residents of Auroville whose names are entered in the Register of Residents maintained under this Section. Hence the Register of Residents is a statutory document to which a sanctity is attached.

49. Section 19 deals with the functions of the Residents' Assembly. Section 19(2) states that members may be added or removed from the Register of Residents in terms of the Regulations framed under Section 32. In 2023, the *Auroville Foundation (Admission and Termination of Persons in the Register of Residents) Regulations, 2023*, was issued to regulate the manner in which persons shall be admitted to the Auroville Committee and the circumstances in which their participation shall be terminated. This has been challenged in WP.Nos.1468 & 1483 of 2024²⁷ and an interim stay has been granted on 23.02.2024 by the First Bench.

50. Section 20(2) states that the Working Committee shall consist of not more than 7 members to be chosen by the Residents Assembly from among themselves. Needless to say, the drawing of the 7 members shall only be from

²⁷ Working Committee of the Residents Assembly v. Secretary to the Governing Board and Rakhee Kane v.

Secretary to the Governing Board.



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out of members whose names figure in the Register of Residents. The Register of Members is presently in the process of updation and the First Bench in the Writ Appeals pending before it has directed that the process of updation shall go on.

51. That apart, this Court has directed the petitioner as well as the respondents to circulate their respective versions of the Register of Members and the version submitted by the petitioner reveals a total of 2475 members as on date, pending updation.

52. On the other hand, the Register that has been submitted by the OSD at the behest of R8, along with a tabulation of the various particulars relating to the contents thereof, reveals a totally different picture with only 1861 members. The covering letter is telling and is extracted below:-

Dr.G.SEETHARAMAN
Officer on Special Duty

01.04.2024

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The Auroville Foundation undertook updating the ROR in the month of May 2022. The process of updation is currently ongoing as more than 400 residents in the previous ROR list have not come forward to fill the new form. Therefore, ample opportunity and time is being given to the missing residents to avail the updating programme.

The following table depicts the updation of ROR Survey and correctness as on 01.04.2024.

Sl.No	Description	Total Nos.
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1.	<i>On Line Forms Totally submitted</i>	2614
2.	<i>Less Duplications</i>	-152
3.	<i>Balance</i>	2462
4.	<i>Forms Verified and confirmed</i>	1861
5.	<i>Temporarily out of Auroville</i>	164
6.	<i>Non-Submission of Forms</i>	129
7.	<i>Long term out of Auroville</i>	308

The above is issued with the approval of competent authority.

Dr.G.Seetharaman

(Officer on Special Duty)

53. The OSD has been appointed in terms of the Section 15(3), in terms of which, the Governing Board may appoint such other officers and employees as may be necessary for the efficient performance of its functions. Section 17 sets out the powers and functions of the Governing Board as follows:

17. Powers and functions of the Governing Board.- The powers and functions of the Governing Board shall be-

(a) to promote the ideals of Auroville and to coordinate activities and services of Auroville in consultation with the Residents' Assembly for the purposes of cohesion and integration of Auroville;

(b) to review the basic policies and the programmes of Auroville and give necessary directions for the future development of Auroville;

(c) to accord approval to the programmes of Auroville drawn up by the Residents' Assembly;

(d) to monitor and review the activities of Auroville and to secure proper management of the properties vested in the Foundation under section 6 and other properties relatable to Auroville;



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(e) to prepare a master-plan of Auroville in consultation with the Residents' Assembly and to ensure development of Auroville as so planned;

(f) to authorise and coordinate fund-raising for Auroville and to secure proper arrangements for receipts and disbursement of funds for Auroville.

54. The process of updation has involved the assimilation of 2614 online forms, of which 152 are duplications. This leaves a balance of 2462, of which 1861 forms have been verified and confirmed, 164 relate to persons who are temporarily out of Auroville, 129 relate to persons who have not submitted forms and 308 members are out of the premises of Auroville on long term basis.

55. In terms of Clause (d) of Section 17, it is the Governing Board which is vested with the power of monitoring and review of the activities of Auroville and to secure proper management of the property vested in the Foundation as well as other properties of Auroville. Thus, it is the OSD who, as on date, is the proper authority to oversee the functioning of the Foundation, as confirmed by the interim orders granted by this Court. I would thus go by the status as confirmed by the OSD.

56. It is very unfortunate that a Foundation of the stature of Auroville has existed thus far without a clear framework for selection of the members of the Working Committee. The need for such Regulation has never been more evident than it is today and there is a clarion call for finality in this regard.



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57. To such end, *The Auroville Foundation (Framework for Selection of Working Committee) Regulations, 2024* has been issued seeking to bring out Regulations on the methodology for selection of the Working Committee of the Residents' Assembly but was immediately challenged in WP.No.1477 of 2024²⁸ and an interim stay of the Regulations obtained on 23.02.2024.

58. The narration as above would reveal that any attempt to regulate the functioning of the Foundation has met with resistance and prompt resort to the Courts. Both Regulations, one for bringing in procedure to update the Register of Residents and the other to appoint the members of the Working Committee have faced this grim fate. Thus, till such time the Regulations are finalised, the directions issued by the First Bench on 04.09.2023 would govern the field qua the management and functioning of Auroville.

59. I reiterate that the grant of quo warranto is premised on the challenger establishing that the persons holding public authority do not hold the requisite qualifications to hold the said posts. The qualifications for holding of the post of member of Residents of Working Committee are that the member must be a major and the member of the Residents' Assembly.

60. In the present case, the register of members of the Residents' Assembly is itself a work-in-progress. Thus a decision in regard to qualification can be taken only after the Register of Residents is updated and finalised. R1 to

²⁸ Working Committee of the Residents Assembly v. Secretary to the Governing Board
<https://www.mhc.in.gov.in/judis>



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R7 draw authority and sustenance from the admitted position that, R1 to R4 were selected in accordance with the PWG procedure in 2021 and R5 to R7 replaced the break-away group in April 2022.

61. The removal of the members of the break-away group is in accordance with the procedure provided for such removal in the PWG document. It is not denied that R1 to R7 have attained the age of majority and their names also find place in the Register of Residents after due verification by the OSD. Thus, their position as members of the Working Committee of the Residents' Assembly is found to be legitimate, with requisite authority.

62. In addition, the OSD has, in document dated 20.02.2023 found that the records reveal that R1 to R7 comprise the Working Committee and this would also serve to clothe R1 to R7 with the required legitimacy to function as the Working Committee.

63. The decisions cited by the parties relate to the question of maintainability. The challenges in those cases are largely writs of certiorari challenging orders of appointment of various persons. The facts as obtaining in the present matter are entirely different and distinguishable from those matters. Hence, and in my considered view, the ratio of those decisions are not applicable to the present case.



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64. One more thing. Section 20 of the Act requires the composition of the Working Committee to comprise of 7 members. In this case, one of the members, by name Mael Shanthi, has been asked to leave India by the authorities. The Court is unaware of the status of those proceedings and the status of the aforesaid individual to continue residing in India.

65. Assuming that his status remains under a cloud, his name would not be included in the Register of Residents leaving the petitioner one short of the sanctioned statutory strength. In such an event the Petitioner can hardly pursue this challenge as its own status as a Working Committee is in peril.

66. In light of the aforesaid discussion, I find no merit in the plea seeking writ of quo warranto as against R1 to R7. This writ petition and all connected Miscellaneous Petitions, including W.M.P.No.33967 of 2023 filed by R8 seeking directions to the Registrar General of this Court to initiate proceedings against the deponent of the Writ Petition, namely Mr.Hemant Lamba, for perjury under Section 195 read with 340 of Cr.P.C., are dismissed. No costs.

01.08.2024

Index : Yes

Speaking order: Yes

Neutral citation: Yes

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DR.ANITA SUMANTH,J.

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and W.M.P.Nos.12762, 12766 and 33967 of 2023

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