



WEB COPY

WP No. 4583 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-03-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 4583 of 2026

and

WMP.Nos. 5077, 5080 & 8520 of 2026

Swarna Lata

..Petitioner(s)

Vs

1. Auroville Foundation
Rep. by the Secretary to the Governing Board,
Auroville Foundation,
Auroville, Tamil Nadu-605 101.
2. Dr. G. Seetharaman,
Officer on Special Duty Auroville Foundation,
Auroville Foundation Bhavan,
Auroville, Tamil Nadu-605 101.

..Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of certiorarified mandamus, calling for the records of the impugned Auroville Foundation (Residence Criteria) Standing Order, 2024 dated 25.11.2024 issued by the Respondents and Quash the same.

For Petitioner(s): Mr.P.V.Balasubramanian
Senior Counsel for M/s.Suchindran B.N
R. Palaniandavan, Shanthini S.

For Respondent(s): Mr.A.R.L.Sundaresan
Additional Solicitor General assisted by
Mr.Vaibhav R.Venkatesh for R1 & R2



ORDER

This Writ Petition has been filed challenging the impugned Auroville Foundation (Residence Criteria) Standing Order, 2024 dated 25.11.2024 issued by the Respondents.

2. The learned Senior Counsel appearing for the petitioner would submit that the Auroville Foundation was founded by the “Mother” as an experimental township in Villupuram District, Tamil Nadu, dedicated to human unity. Subsequent to the emergency take over by the Government through the Auroville (Emergency Provisions) Ordinance and Act, 1980, Parliament enacted the Auroville Foundation Act, 1988 to provide for acquisition and transfer of the undertakings of Auroville and to vest such undertakings “in a foundation established for the purpose with a view to make long term arrangements for the better management and further development of Auroville in accordance with its original charter and for matters connected therewith or incidental thereto”. The primary objective of Auroville Foundation is realizing as Auroville a universal Township dedicated to human unity and unending education. The foundation is composed of three statutory bodies namely, the Governing Board, the Resident’s Assembly and the International Advisory Council. The legislative intention behind the creation of these three bodies unlike other takeover statutes was to vest the power of decision making in Residents’ Assembly. This is



reflected in the Parliamentary Debates during the introduction of Auroville Foundation Bill, 1988.

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3. The learned counsel for the petitioner would further submit that the impugned standing order was issued by the Governing Board in the purported exercise of its powers under the Auroville Foundation Standing Orders Regulations of 2011 published in the Gazette of India on 05.03.2011. However, the Governing Board has no authority under the Auroville Foundation Act, 1988 Act, to make such a detailed order that governs criteria to be followed by the members of the Residents' Assembly. The Residents' Assembly is a statutory body with a defined role under Section 19 of the Auroville Foundation Act.

4. It is the submission of the learned counsel for the petitioner that the impugned standing order unlawfully infringed the freedom of members of Resident Assembly to act, express their views and organize and manage the community affairs. The impugned standing order has been created and passed without any consultation or approval by the Residents' assembly- a constituent authority of the Auroville Foundation created and vested by the statute itself and the present standing order in the form of regulation can be created by the Governing Board however, it has to be placed only before the Parliament and only after parliamentary approval, they can enforce. However, the present standing order issued without source of power of the Governing Board which is



not sustainable one and guidelines for residents in the form of standing order cannot be imposed without parliamentary approval which is non-est in law.

Hence, the present writ petition is filed.

5. The learned Senior counsel appearing for the petitioner would submit that the present impugned standing order dated 25.11.2024 was issued without following the procedure created under the Auroville Foundation Standing Regulation, 2011 published in the Government Gazette on 05.03.2011 and the above said regulation provides the manner in which the standing order has to be published and has to be approved by the Chairman of Governing Board and has to be notified by the Secretary of the Governing Board. The regulation also stated that the Chairman of the Governing Board shall approve in writing the standing order before it is notified and the Secretary to the Foundation shall arrange the place to notify the standing order before the Governing Board and subsequent meetings and the Secretary of the Foundation shall arrange the copies of the standing order to the Central government and such other authorities and individuals may be decided by the Chairman from time to time. However, the said procedure was not followed before issuing the standing order. Hence, the standing order issued by the Officer on Special Duty is not sustainable one as it is clear violation of the notification dated 05.03.2011. Accordingly, he prayed for appropriate orders.



6. Per contra, the learned Additional Solicitor General appearing for the respondents would submit that as per the Auroville Foundation Bill, 1988, the 'Mother' created international cultural township known as Auroville was set up in the year 1968 on the basis of the charter proclaimed by the 'Mother' where the people of different countries can live together in harmony and in one community, who were expected to engage cultural, education scientific and other pursued aiming at human unity and subsequently, the same was taken over by the Government of India under enacting the Auroville Foundation Act, 1988 and as per section 11(2) of the Act, the Central Government shall nominate a Chairman of the Governing Board from amongst the members nominated by it under Clause(i), sub-clause(1) and further the Governing Board have general superintendence, direction and management of the affairs of the Foundation shall vest in the Governing Board which may exercise all the powers and discharge all functions which may be exercised or discharge by the Foundation.

7. A similar standing order was challenged by the Resident before this Court and this Court allowed the writ petition by quashing the standing order, which was taken on appeal before the Hon'ble Apex Court in CA.No. 13651 of 2024. The Hon'ble Supreme Court on 17.03.2025 imposed a cost of Rs.50,000/- and opined that the standing order does not suffer any legal infirmity and there is no legal or statutory right conferred upon the Residents' Assembly or upon an individual resident to be a part of any committee / council constituted by the



Governing Board in exercise of its powers. The functions of Residents' Assembly are confined only to advise the Governing Board in respect of activities related to the residents of Auroville and make recommendations as specified under Section 19 of the Act and further held that the Governing Board has power to issue standing order. Relevant portion of the said appeal in C.A.No.13651 of 2024, which was decided by the Hon'ble Supreme Court is extracted hereunder:

“16. From the conjoint reading of the provisions of the A.F. Act and the said Rules, there remains no shadow of doubt that the Governing Board is vested with all the powers and is empowered to discharge all the functions as may be exercised or discharged by the Foundation, and that the general superintendence, direction and management of the affairs of the Foundation vests in the Governing Board alone. Though, it is true that Section 19(1)(c) required the Residents' Assembly to assist the Governing Board to formulate the Master Plan of Auroville, however, the said stage was already over, when the Master Plan was prepared by the Governing Board in consultation with the Residents' Assembly as contemplated in Section 17(e), and was then approved by the Central Government, Ministry of Human Resource Development way back in 2001. After the publication of the said Master Plan, the Governing Board had issued the Standing Orders from time to time for the implementation of the said approved Master Plan and for the development of Auroville as planned.

17. Having regard to the statutory provisions in the Act and the Rules, we are of the opinion that the impugned Standing Order



01.06.2022 containing the Standing Order No. 01/2022 does not suffer from any legal infirmity. There is no legal or statutory right conferred upon the Residents' Assembly or upon an individual resident to be part of any committee/council constituted by the Governing Board in exercise of its powers conferred under Section 11(3), 16(1) and 17(e) of the said Act read with Rule 5(1) and 5(2) of the said Rules. The functions of the Residents' Assembly are confined only to advise the Governing Board in respect of the activities relating to the residents of Auroville and to make recommendations as specified in Section 19 of the Act, and not any further.

18. In that view of the matter, we are of the opinion that the High Court has thoroughly misdirected itself in misinterpreting the provisions of the A.F. Act and in setting aside the impugned Notification containing the Standing Order dated 01.06.2022. The impugned Order being highly erroneous deserves to be set aside, and is hereby set aside.

19. As demonstrated earlier, some disgruntled and discontented residents kept on filing petitions one after the other dragging the Appellant-Foundation into unnecessary litigations. The Writ Petition filed by the respondent before the High Court was one of such ill-motivated petitions filed by her to abuse the process of law, to hamper the development of Auroville and to cause obstructions in the smooth functioning of the Governing Board of the Foundation. Hence, the Appeal is allowed with cost of Rs.50,000/- to be deposited by the respondent before the Supreme Court Legal Service Committee within two weeks from today. The office to follow the compliance.”



8. In the present standing order, which was approved by the Governing Body consists of Hon'ble Governor of Tamil Nadu and Hon'ble Lt.Governor of Puducherry and other members and they taken decision on 13.02.2023 as item No.16.13, the Auroville Foundation (Residence Criteria) Standing Order, 2024 which was approved and signed by the Chairman of the Governing Body. After notified, the same was published by the Officer on Special Duty on 25.11.2024 hence, prior to that, the regulations contemplated under notification 05.03.2011 was strictly followed and thereafter, the same was published. Hence, there is no violation and further there is no need for any parliamentary approval, it is only a standing order and it is not a regulation and the standing order was issued in terms of regulation dated 05.03.2011. Therefore, the same is not suffered any infirmity.

9. In view of the above discussion, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

09-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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