



W.P. No.8543/2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 06.03.2026

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO.8543 OF 2026

AND

W.M.P. NOS. 9237 TO 9239 OF 2026

Tracy Alison Skoles

.. Petitioner

- Vs -

1. Chairperson of Governing Board
Auroville Foundation
Auroville, Tamil Nadu 605 101.
2. Auroville Foundation Office
Rep. By its Secretary
Auroville Foundation
Auroville, Tamil Nadu 605 101.
3. Officer on Special Duty
Auroville Foundation
Auroville Foundation Bhavan
Auroville, Tamil Nadu 605 101.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorari calling for the records pertaining to the Board Resolution passed in the 66th Meeting of the Governing Board dated



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13.02.2024 by the 1st respondent and consequent email dated 17.02.2026 and quash the same as illegal, arbitrary and without authority of law.

For Petitioner : Mr. Kumarpal R.Chopra

For Respondents : Mr. AR.L.Sundaresan, ASG
Assisted by
Mr.Vaibhav R.Venkatesh

ORDER

Assailing the resolution of the Board for exchange of the land, which are under the occupation of the petitioner, the present writ petition has been filed before this Court.

2. It is the case of the petitioner that the petitioner along with more than 10 other residents are permissive residents of the property belonging to Auroville Foundation in respect of an extent of land measuring 18.37 acres comprised in R.S. No.165/1, No.1, Pillar Koil Street, Ganapathychettikulam, Calapet, Puducherry. The said land is situated in the Union Territory of Puducherry outside the Auroville Master Plan area and the said land was given to "Mother" prior to the enactment of the Auroville Foundation Act, 1988 and the residents have been residing in the said lands as Stewards (caretakers) for more than four decades since 1986 and that they have invested their life savings and due to their



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sustained efforts, the barren coastal lands has flourished into a natural habitat of several species of flora and fauna.

3. It is the further averment of the petitioner that the residents have constructed dwelling houses along with all necessary amenities for peaceful living with necessary infrastructure and have implemented extensive afforestation measures through their personal investment, with the permission and consent of the Auroville Foundation.

4. It is the further averment of the petitioner that in November, 2025, the residents were summoned by the Working Committee recognized by the Governing Board of Auroville and were informed about a proposal to exchange the entire extent of 18.37 acres in return for housing within the Auroville Master Plan and Green Belt. It is the further case of the petitioner that vide email dated 14.11.2025, while the residents sought for the minutes of the Governing Board meeting and copies of written approval as required under the Auroville Foundation Rules, 1997 and details of the proposed exchange for development purposes within the Auroville Master Plan and Green Belt, the same were not provided and by email dated 16.12.2025, the residents were directed to



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approach the Auroville Foundation Office for details. In spite of the request of the petitioner and other residents for information of land swap, the same has not been provided to the petitioner and the other residents.

5. It is the further averment of the petitioner that thereafter unidentified persons, claiming to be representatives of the Foundation attempted to enter the property stating that the land was earmarked for exchange and that a survey was required and when they were asked to provide authorization documents, they failed to do so and a similar incident took place on 16.2.2026 when individuals approached the property and demanded opening of gates and threatened demolition of the structures and apprehending harm, police were called upon and the request of the police to the said individuals for production of identification, the persons left the place without disclosing their identity.

6. It is the further averment of the petitioner that vide email dated 17.2.26 of the Special Officer of Auroville Foundation, the residents were informed that survey is to be conducted and any obstruction to the work would be construed as an offence.



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7. It is the further averment of the petitioner that the Board resolution proceeds on the premise that the lands are unused lands and, therefore, the lands are sought to be exchanged for lands in the city area as well as in the Green Belt area. However, it is the stand of the petitioner that the lands are not unused lands, but is a thriving ecological habitat and preserved for more than 40 years.

8. It is the further averment of the petitioner that the guidelines and the Rules relating to alienation of lands in exchange have not been followed and necessary environment clearance has not been obtained and further no consultation had been had with the committees selected by the Residents Assembly and other relevant bodies.

9. It is the further averment of the petitioner that the land exchanges must be conducted strictly in accordance with the Auroville Foundation Act and Rules and it should be in consonance with the principles laid down for exchange or purchase of lands and the office memorandum of the Government of India have provided the manner in which such exchange should be carried out and the potential benefits should outweigh the other costs and adverse impacts of



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acquisition. However, none of the aforesaid guidelines have been satisfied and, therefore, the exchange is grossly impermissible.

10. It is the further averment of the petitioner that the petitioner along with the other residents are in long, settled possession of the land for several decades with the full knowledge and consent of Auroville Foundation and they cannot be dispossessed except by authority of law and any action undertaken without specific statutory sanction, valid approval and adherence to due process of law is unconstitutional and the present act is one, which is not as per the rule of law and, therefore, is wholly unsustainable. Therefore, left with no viable alternative, the petitioner has come before this Court so as to preserve their right and against violation of Article 300-A of the Constitution as removal of the petitioner and other residents amounts to deprivation of their property.

11. Per contra, learned Addl. Solicitor General appearing for the respondents tracing the formation of the Auroville Foundation and the vision of Divine Mother, submitted that only on the directions of the Apex Court in the case of ***S.P.Mittal – Vs – Union of India (1983 (1) SCC 51)***, considering the alarming situation as was existing then, the Auroville Foundation Act was enacted



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and Government of India took over the said property on the basis of the Act. The Act also recognizes another body called the Residents Assembly, which has only an advisory role and perform recommendatory functions in order to aid and assist the Governing Board. The Residents' Assembly comprises all the residents of Auroville, who are permissive occupants and who cannot claim any title, ownership and possession over the lands, assets or projects of Auroville. Further the Supreme Court in ***The Auroville Foundation – Vs – Natasha Storey 2025 INSC 348***) held that the Residents' Assembly can only supplement and not supplant the functions of the Governing Board and the functions of the Residents' Assembly is only to advise the Governing Board in respect of activities relating to the residents of Auroville and make recommendations as specified under Section 19 of the Act.

12. It is the further submission of the learned Addl. Solicitor General that the petitioner and other residents in the lands are permissive occupants and the Foundation is fully empowered under the Act to manage, administer and deal with the properties vested in it, including the lands under the permissive occupation of the petitioner.



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13. It is the further submission of the learned Addl. Solicitor General that the stand of the petitioner that they are stewards is wholly erroneous, as there is no stewards in the legal sense and that the responsibility has been assigned to one of the residents to look after the land till such time as it is put to appropriate use. The claim of the petitioner as to rights over the property by the petitioner and the other residents is legally untenable.

14. It is the further submission of the learned Addl. Solicitor General that the Governing Board had undertaken the proposal for exchange of a portion of 18.37 acres which is for the betterment of the Auroville Foundation and the petitioner cannot have any grievance and further the information sought for by the petitioner to the extent legally required and necessary have been communicated to the petitioner.

15. It is the further submission of the learned Addl. Solicitor General that survey was sought to be undertaken only on the basis of the Governing Board's resolution and upon refusal of the residents to open the gates and the intervention of the police officials, the authorized personnel who had gone to survey the lands had quietly left the place maintaining civil decorum and,



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thereafter, the residents were intimated about the survey which was sought to be undertaken and the petitioner's attempt to characterize the lawful communication as threat is misconceived.

16. It is the further submission of the learned Addl. Solicitor General that the Governing Board, in exercise of its statutory powers under the Auroville Foundation Act, had identified and earmarked the foundation properties for the purpose of land exchange to achieve the objectives of the Master Plan and the resolution was also duly approved and it is done keeping in mind the betterment, benefit and welfare of the Foundation and the petitioner, being a permissive occupant, cannot have any grievance over the same, nor could act as a stumbling block in the continuance of the project. Therefore, there are no merits in the writ petition and, accordingly, it is prayed that this Court may dismiss the writ petition.

17. This Court gave its careful consideration to the submissions advanced by the learned counsel appearing on either side and perused the materials available on record.



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18. It is the admitted case of the parties that the lands in which the petitioner and other residents are in occupation belongs to the Auroville Foundation. It is the case of the petitioner that she along with other residents have been in occupation of the property to an extent of 18.37 acres as permissive occupants since the year 1986. Therefore, even according to the petitioner, she has no right or title over the said lands and that possession is only as permissive occupant.

19. It is not the case of the petitioner that she is a public spirited individual and infringement of the provisions of the Act and the Rules has necessitated her to file the writ petition; rather, in her individual capacity as resident of the lands, she has approached this Court. When there is no quarrel with regard to the fact that the lands belong to Auroville Foundation and that the Governing Board is fully empowered to take decisions with regard to the utilization of the lands, merely because the petitioner and other residents have been permitted to occupy the lands for more than few decades, they cannot have any right to stall the resolution of the Governing Board for better utilization of the lands for the welfare of the Foundation.



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20. It is further evident from the resolution that the lands are being given in exchange which will benefit the Foundation monetarily as also given extent of lands in the main area of the city, which could be put to best use. When the Governing Board, which is vested with all powers to decide the best utilization of the lands and have taken the step to resolve to go for exchange of the lands, the petitioner, having no right over the said lands except for being a permissive occupant, has no right to stall the beneficial utilization of lands for the betterment of the foundation. At best, the petitioner could claim that the residents should be protected by giving alternative accommodation in view of the long period of their permissive occupation in the said lands. But the petitioner, as also the other residents, cannot, as a matter of right, claim that the lands cannot be exchanged or put to better utilization by the Governing Board when the Governing Board is vested with power under the Auroville Foundation Act to better deal with the lands, moreso when the said exchange is in the interest of the Auroville Foundation.

21. Though the petitioner has drawn up various provisions of the Act and the Rules to claim that there is infraction and that the said exchange is impermissible, however, the petitioner has no locus to question such an



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exchange when it is the Governing Board which has resolved for exchange of the land, that too, in the interests of Auroville Foundation and also on the basis of the power vested with it. Therefore, this Court is not addressing any of the concerns raised by the petitioner on the infraction of the Act and the Rules.

22. Even a complete perusal of the averments of the petitioner coupled with the counter filed and the contention advanced by the parties does not in any manner further the case of the petitioner for granting any relief safeguarding the interests of the petitioner. However, it is to be noted that based on the permission granted by the Foundation, the petitioner and other residents have built their houses in the said place and, therefore, to that extent, their interests should be safeguarded, as otherwise their investment in the house building would vanish. Therefore, at best, this Court could only direct that the occupation of the petitioner and the other residents be protected either in the very same place considering their longstanding stay at the said place or provide an alternate accommodation to the petitioner and other residents of the said place so that their permissive occupation is protected.



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23. For the reasons aforesaid, this writ petition fails and the same is dismissed. However, liberty is granted to the petitioner and other residents who are permissive occupants who have been in occupation of the lands and who have put up construction on the basis of the permission accorded by the Foundation from out of their own funds and to give appropriate representation for grant of permission to continue their accommodation in the said place or for allotment of some other dwelling unit and if such a representation is filed, it is open to the respondents/Governing Board to consider the same and pass appropriate orders either granting to continue their permissive accommodation within the said place or allot dwelling unit at any other place for the occupation of the petitioner and other residents and to that effect orders shall be passed within a period of four weeks from the date of receipt of the said representation. Interim order of stay granted by this Court stands vacated and consequently, connected miscellaneous petitions, including the stay petitions are closed. There shall be no order as to costs.

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M.DHANDAPANI, J.

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