



WEB COPY

WA No. 1962 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-03-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

WA No. 1962 of 2022

The Auroville Foundation
Represented by its Under Secretary, Auroville
Foundation Bhavan,
Auroville - 605 101.

..Appellant(s)

Vs

Krishna Devanandan
Anusuya Forest, Auroville, Tamil Nadu - 605 101.

..Respondent(s)

To set aside the order passed by the learned Judge of this Honble Court dated 12.08.2022 in WP.No.11738 of 2022 and thus render justice.

For Appellant(s): Mr.Vaibhav R Venkatesh

For Respondent(s): Mr. H.S.HREDAI

JUDGMENT

(Judgment of the Court was delivered by S.M.Subramaniam J.)

Under assail is the order dated 12.08.2022 passed in W.P.No.11738 of 2022. The writ court passed a common order in three writ petitions and the present intra court appeal had been instituted against the order passed in W.P.No.11738/2022 on the ground that the issues raised in the writ petition



are no more *res integra* and the Hon'ble Apex Court has settled the dispute between the same parties and thus, the present writ appeal is de-tagged from the other writ appeals wherein several other issues have been raised.

2. W.P.No.11738 of 2022 has been instituted by Sri.Krishna Devanandan challenging the office order No.491 dated 15.07.2021. The issue mainly raised is whether the governing board is the supreme authority or not. In the case of ***Auroville Foundation vs. Natasha Storey*** reported in **2025 INSC 348**, the Supreme Court had settled the issues and the relevant findings are in paragraph Nos. 16, 17 & 18 which reads as follow:

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



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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.



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3. The Division Bench of this Court also independently considered the issues relating to the powers of the Governing body under the provisions of Auroville Foundation Act, 1988 in W.P.1468 of 2024 dated 29.04.2025. Pertinently, the subsequent office order issued on the same line by the appellant was confirmed by this Court and therefore, the same principles are to be applied in respect of the present writ appeal. Since the nature of the office orders are one and the same pertains to Auroville Town Development Council (ATDC), the said order is liable to be set aside. The findings of the writ court, more specifically, in paragraph Nos.59 to 64 and 69 are running counter to the ruling of the Hon'ble Supreme Court of India in the case of **Auroville Foundation vs. Natasha Storey** cited supra. Therefore, those paragraphs alone are to be set aside since the writ order impugned is a common order.

4. In view of the above position paragraph Nos.59 to 64 and 69 of the writ order impugned dated 12.08.2022 passed in W.P.No.11738 of 2022 alone are set aside and the Writ Appeal stands allowed to that extent. The parties are at liberty to adjudicate the other issues in the other writ petitions which are all the subject matter of Writ Appeal No.1961 of 2022.



5. With the above observation, the writ order dated 12.08.2022 in respect of W.P.No.11738 of 2022 is set aside and the Writ Appeal stands allowed. No costs.

(S.M.S.,J.) (K.S.,J.)
04-03-2026

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

vsi

To

Mr.Krishna Devanandan
Anusuya Forest, Auroville,
Tamil Nadu - 605 101.



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**S.M.SUBRAMANIAM, J.
AND
K.SURENDER, J.**

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