
Clarification from the previous Working Committee members regarding legal action for land protection

by [Ranjithkumar](#) on May 25, 2021, 11:29 am

Please note that although this is coming from my personal login, the statement below is from all 7 of the previous Working Committee members.

Dear Community,

As Chandresh wrote a letter (attached) to the working groups, please see our response below.

Dear members of the FAMC, ATDC and Auroville Council,

Sub: Legal action to prevent private development in Master Plan area.

In response to a recent letter of Chandresh (attached), the members of the former Working Committee wish to inform you about the legal action it has taken to protect the interests of Auroville.

Introduction and background

A. Requests made to the Government of Tamil Nadu.

1. On February 6th, 2020, then Governing Board member Shri M. Madan Gopal, together with Mr. Srinivasmurthy, Sauro and Sreevatsa, met with Shri Rajesh Lakhoni, IAS, the then Principal Secretary Housing and Urban Development, Government of Tamil Nadu, who stated that New Town Development Authorities (NTDAs) are no longer constituted by the Government of Tamil Nadu as their functioning has not been satisfactory.
2. In order to prevent the unregulated and haphazard construction in and around Auroville, the Secretary of the Auroville Foundation by letter dt. 12-02-2020 requested Mr. Lakhoni to issue appropriate interim orders preventing all unauthorized construction and development till a master plan is prepared and approved by the Villupuram District Planning Authority for the bio-region comprising Bommayarpalayam, Irumbai, Kottakuppam, Mathur and Rayapudupakkam village panchayats, including Auroville, as these constructions are not in consonance with the development of Auroville as per the Auroville Master Plan (Perspective: 2025) and also in violation of the G.O. No. 6 dated 20-01-2003 issued by Government of Tamil Nadu.
3. Concerned that the Tamil Nadu authorities may prepare a plan that does not follow the Auroville Master Plan and /or does not have any restrictions on allowing the owners of lands within the Master Plan area to develop their

lands as they please without any development regulations in place, the Working Committee asked the Chairman of the Governing Board by email dt. 19-02-2020 to write to the HRD Minister requesting that he informs the Chief Minister of Tamil Nadu about the need to respect the Master Plan of Auroville, and that the Chief Minister may kindly give the appropriate instructions or a Government Order that the master plan that is to be made for the area including Auroville provides for the recognition of the Auroville Master Plan and explicitly stipulates that land use plans for the Auroville Master Plan area should follow the zoning regulations of the Auroville Master Plan. We have not been informed whether this letter has been written and if so, of any action taken by the hon'ble HRD Minister.

4. By letter dt. 24 February 2020 addressed to Mr. Lakhoni the Secretary requested that the Master Plan (Perspective: 2025) of Auroville, approved by the Ministry of Human Resource Development and gazetted on 16-08-2010, may be incorporated in the District Master Plan for Villupuram, or that the Bio-region surrounding Auroville can be developed according to the integrated Master Plan. The Secretary also offered that Auroville participate in the development of the District Master Plan.
5. None of the letters to Mr. Lakhoni has been answered.
6. By letter dt. June 10, 2020 addressed to the Collector, Villupuram district, the Working Committee informed him that several real estate developments have taken place in the last few years that may seriously hamper the implementation of the Auroville Master Plan as originally envisaged. The Collector was requested to intervene with the concerned district or block authorities, requesting them to be vigilant regarding any development happening in the area of the Master Plan, and respect the Government Order issued in January 2003 by the Tamil Nadu Government stipulating that layouts cannot be approved without a non-objection certificate from the Auroville Foundation. A note sent in this regard by the Secretary of the Auroville Foundation to the Collector's office in June 2011, which includes the list of survey numbers of the Auroville Master Plan and the response of the Assistant Director of village panchayats and also the GO issued by the Tamil Nadu Government on 20.01.2003 was attached to this letter. A response to the letter to the Collector is also still awaited.

B. Request made to the Governing Board, Auroville Foundation.

In June 2020 the Working Committee wrote to the Chairman of the Governing Board, Dr. Karan Singh, informing him the Working Committee considers that the future of the Auroville Township is in danger and that Auroville will not be able to manifest unless immediate and strong measures are taken so that the Auroville Foundation owns the lands within the City Area as soon as possible. The requests made to the Board for their approval were:

1. that land purchase can happen at realistic market prices removing price caps that are not adequate to the reality of today;
2. that land purchase within the City Area continues on a war-footing;
3. that the Board, in accordance with section 23 of the Auroville Foundation

Act, requests the Ministry of Human Resource Development for a grant or a long-term interest-free loan to purchase the remaining lands in the City Area of Auroville;

4. that the Board, with the support of the Ministry of Human Resource Development, interacts with the Government of Tamil Nadu to get stronger statutory protection and approve current and future requests for land acquisition for the lands in the City Area of Auroville.

The Chairman has responded that he shares the concerns expressed by the Working Committee and will take the matter up with the HRD Ministry. However, the minutes of the last meeting of the former Governing Board mentions that the proposals are recommended for taking action by the Ministry and next Governing Board. We have not been informed of any action taken by the Ministry and there is still no Governing Board in place.

C. Land status by the end of 2020.

In the absence of the Governing Board and Secretary of the Auroville Foundation, the Working Committee contemplated what could be done to stop the ongoing land purchases by speculators within the City and Greenbelt areas of Auroville. We have witnessed a dramatically increased pressure and activity of private developers, particularly during the previous lockdown. At the same time there was no expectation of an action by the Tamil Nadu government as elections were due in six months.

We decided to see if any legal action could be initiated to protect Auroville from increasing speculation in the Master Plan area, at least until some form of permanent statutory protection could be gained. We consulted with two high caliber lawyers who are long time friends and supporters of Auroville and they advised us to file a petition for an interim injunction against development that is not respecting the Master Plan of Auroville and is not in line with the aims of the Auroville Foundation Act. A petition was prepared by these two lawyers and filed in January 2021 in the Madras High Court. The petition is awaiting a decision by the bench on whether or not to accept the petition. (The courts are currently in recess for the summer.)

The petition was prepared in a confidential manner in order to avoid that the information might reach the private developers and any real estate interests hostile to Auroville.

Two Auroville residents, Sanjeev and Toine, have approached the Secretary In-Charge raising objections to this petition. The Secretary in charge then requested the present Working Committee to withdraw the petition, on the grounds that only the Secretary can represent the Auroville Foundation in court and can initiate legal actions on behalf of the Auroville Foundation. He also obtained the advice of the HRD Ministry on the matter, which stated that only the Secretary of the Auroville Foundation can represent the Auroville Foundation in court and also advised withdrawing the petition.

As no agreement on the issue could be reached within the present Working Committee (Srimoyi and Anu do not agree with the petition; Hemant's position is that having received professional input from lawyers of this caliber, a decision to withdraw should not be taken in haste and would require consultation with them and possibly a second opinion; Arun has not expressed an opinion) the members of the previous Working Committee who are also in the current one (Chali, Partha, Sauro) have sent a legal opinion from our lawyers to the Ministry, wherein it is stated that the Working Committee, while not representing the Auroville Foundation, has the right to file a petition in a court of law. The Ministry has been asked if its advice remains the same in that light. A reply from the Ministry is awaited.

The letter from Chandresh incorrectly criticises the former Working Committee members. We have acted in a situation in which Auroville is increasingly being perceived as a soft target by outside vested interests. In the absence of action from any other authority - there is no Governing Board, no International Advisory Council and no Secretary - the Working Committee felt obliged to intervene as a legally recognized body to protect the interests of Auroville.

We feel saddened that by publicly criticizing this effort a message could be perceived outside that Auroville does not have enough determination to protect and secure the area of the Master Plan. We are also saddened that we are being attacked in this way for taking an action that we sincerely believe is in the best interests of Auroville.

Carel, Chali, Jürgen, Parthasarathy, Ranjithkumar, Sauro, Selvaraj

(The previous Working Committee members)

Posted in [Announcement](#)

by [Mandakini Lucien-Brun](#) on May 25, 2021, 12:35 pm

Thank you for this information and for all your efforts in such a difficult and crucial situation.

by [Philo](#) on May 25, 2021, 12:47 pm

So much politics around the Town Hall, no wonder it strikes back.

Now that the argument about confidentiality is long gone (seriously, what did you expect?), that "writ petition" needs to be published.

by [Anton](#) on May 25, 2021, 12:52 pm

My summary of the first part: NTDAs are not an option anymore in TN. Both central and state governments didn't reply to various requests for planning restrictions in our MasterPlan circle coming from a few groups in Auroville. *Land exchange is still*

out of discussion.

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