

**A GENERAL STUDY ON THE SUBJECT OF SECURING AND REGULATING THE
LAND USE IN RESPECT OF LANDS FALLING WITHIN THE PURVIEW OF
MASTER PLAN**

Documents Perused in sequence of events:

1. Letter dated 21.12.1999 bearing ref.no.AF/43/2640 from the Secretary, AVF to Tamilnadu govt., regarding the acquisition of land for AV.
2. Letter dated 19.07.2000 bearing ref.no.AF/M/43/1310 from the secretary AVF to the DRO, Villuppuram regarding Land Acquisition.
3. Letter dated 10.04.2001 bearing D.O.No.27-3/2000-UU from Mr.Maharaj Krishen Kaw, Secretary MHRD to the Tamilnadu Govt., **requesting for executive instructions to be issued regarding the lands required for Auroville.**
4. Letter dated 12.04.2001 bearing ref.no.F-27-3/2000-UU issued by the Department of Secondary & Higher Education **regarding approval of the Master Plan of Auroville.**
5. Letter dated 30.08.2001 from Mr.S.Gurumurthi, Special Commissioner of Town and Country Planning to the Secretary Housing and Urban Development Department (HUDD) **recommending that Orders may be issued to the effect for the Survey Nos. indicated by Auroville Foundation layouts need not be sanctioned without a No-Objection Certificate from Auroville foundation.**
6. Letter dated 12.12.2001 from Mr.Kireet Joshi to the Tamilnadu Chief Secretary **requesting to issue appropriate notification to protect the lands required for Auroville in line with letter dated 10.04.2001 (ref. no.4 above).**
7. Letter dated 16.01.2002 from Mr.Kireet Joshi to Tamilnadu Govt., **regarding Leasing of Poramboke Lands to Auroville foundation.**
8. Letter dated 15.02.2002 from Mr.Gurmurthi, Special Commissioner of town and Country Planning to the Secretary HUDD **suggesting that the land acquisition proposal be further processed in consultation with Revenue Department as it appears to have raised "the issue of Public Purpose".**

9. Letter dated 16.02.2002 from Dr.L.M.Singhvi to Jayalalitha, whereunder, he discusses and highlights the legality of creation and approval of Master Plan and suggests that **“an order could be issued in favour of Auroville Foundation similar to the one issued in favour of the TNHB, to disable anyone from developing, buying or selling any area which falls within the Master Plan of Auroville, unless the AVF gives a No Objection Certificate.”**
10. Ms.Jayalalitha’s response dated 01.03.2002 to the above letter where under **she confirms that she agrees on the need to preserve the ecological balance attained in Auroville over the years, through its diverse and sustained efforts in the fields such as development, environment, education and spirituality and also assures that she would give her serious consideration to the request made by Mr.Singhvi on the order requiring AV’s No Objection Certificate to develop, buying or selling of lands within the Master Plan area of Auroville.**
11. Letter dated 28.03.2002 bearing ref.No. D.O.Letter No.15366/UD4.2/2001-13 from Deputy Secretary to Government to the HUDD, Chennai **seeking specific remarks from the HUDD, Chennai to offer their specific remarks as to whether the land acquisition on behalf of the AVF would be for public purpose as envisaged under the Land Acquisition Act.**
12. Letter dated 04.04.2002 bearing ref.no.AF/M/46-654 from Mr.Srinivasamurthy, Secretary-in-charge **requesting to defer the allocation of lands for women self-help group to commission a project of DRDA, proposed on the puramboke land falling within the Master Plan Area.** *(Was there any response to this letter? Or has allocation of land for this project been deferred upon our request? If not, what was the action taken by AV, such as representations made, if any.)*
13. Legal Opinion of Mr.Sethuraman, Spl. Government Pleader dated 15.05.2002, where under, **it has been clearly opined that the Government may proceed to acquire the lands falling within the Master Plan Area under the heading of “Public Purpose” for the purpose of activities of the Foundation.**
14. Letter dated 01.07.2002 bearing Ref.no: Roc No.30063/2001/MP1 dated 01.07.2002 from Mr.S.Gurumurthi, Special Commissioner of Town and Country Planning, Chennai addressed to the Secretary to Government, Housing and Urban Development Department, Chennai suggesting that

- (a) the composite Local Planning area will have an authority duly constituted under the Tamil Nadu Town and Country Planning Act, 1971;
- (b) The Authority may necessarily include a representative from the governing Body of Auroville;
- (c) The provisions of Auroville Master Plan could be incorporated in the planning area with necessary regulation enforced by the Residents Assembly (as envisaged in the Auroville Foundation Act, 1988) with regard to Auroville;
- (d) the Remaining areas will have land use plans as required and regulated by the authority;
- (e) also draws a parable to Mamallapuram Local Planning Area in which the Department of Atomic Energy has its own jurisdiction and Mamallapuram Local Planning Authority exercises no control over it.

15. Letter No. 15366/UD4.2/2001-18, dated 26.07.2002 from the Deputy Secretary to Govt., Housing and Urban Development Department, Chennai addressed to The Secretary, AVF **calling for AVF's remark on the Government's suggestion for constitution of a composite local planning authority as in Major district towns instead of Regional Planning Authority as requested by Auroville. It was further intimated in this letter that the Government has considered extending the concession already extended to the Tamil Nadu Housing Board to the Auroville Foundation and that it is under active examination separately, in consultation with the Revenue / Law Departments in Government.**

16. Letter dated 30.08.2002 bearing ref.no.AF/64/1176 from Mr.Srinivasamurthy to Deputy Secretary to Government of Tamilnadu, Housing and Urban Development Department Chennai **expressing AVF's concurrence with the said proposal to set up a Local Planning Authority. Further, it also highlights AVF's understanding of the arrangement of the said proposal (as listed hereunder) and insists that the same be incorporated in constituting the Local Planning Authority.**

- (i) The proposed composite Local Planning Authority will have an authority duly constituted under the Tamil Nadu Town and Country Planning Act, 1971.
- (ii) The authority **will include** a representative from the Governing Board of AVF.
- (iii) The provisions of **Auroville Master Plan shall be incorporated** in the planning area with necessary regulations enforced by the Residents Assembly (as envisaged in the AVF act) with regard to Auroville Township.
- (iv) The remaining area will have land use plans as required & regulated by the authority.

17. Letter dated 29.10.2002 bearing ref.no.Lr.No.43676/UD4(2)/2001-11 from the Deputy Secretary to Government to the Special Commissioner of Town and Country Planning ("SCTCP"), Chennai, **intimating the SCTCP that AVF has accepted SCTCP's suggestion to constitute a composite Local Planning Authority and further requesting him to send a detailed proposal for declaration of the intention of the Government to demarcate the Auroville Composite Local Planning Area under Section 10(1)(b) of the Tamil Nadu Town and Country Planning Act, 1971.**

18. G.O.(Ms.) No.6 dated 20.01.2003 issued by the Housing and Urban Development Department (UD4.2) Department **issuing orders to the Special Commissioner of Town and Country Planning requesting him not to approve any layouts in respect of Auroville Foundation when once land plan schedules are sent by the Auroville Foundation to the Revenue Divisional Officer for initiating land acquisition proceedings.**

19. Letter dated 20.06.2011 bearing ref.no.Na/Ka/No.A5/2045/11 from the Deputy Director, Village Administrative Office, Villuppuram addressed to the Block Development Officer, Village Development, Vanur, informing that since the Local Planning Authority ("LPA") has taken charge in the light of the Order of the Central Government,

- (a) "No Objection Certificate" needs to be obtained from the LPA for development in the Agricultural lands situated in the Green Belt Master Plan Area;

- (b) There shall not be any approval of lay-outs in the Survey numbers falling within the purview of the Auroville Master Plan Area, by the Revenue Divisional Officer;
- (c) However, such restriction is not extended to the grazing (Poramboke) lands and that the village administration office may grant approval for development in the Poramboke lands;
- (d) This Order does not control the development projects proposed in the lands situated beyond the Green Belt Area;
- (e) Further, the Block Development Officer has been instructed to forward the Survey Number details falling within the Auroville International City and the Green Belt Area, to the respective Village Administrative Offices for necessary action and intimate the Deputy Director's office of the actions taken, in this regard.

Documents received from Auroville Foundation for the study:-

1. Letter dated 11th December, 2000 bearing ref. No. F.27-17/97-UU from the GOI, Ministry of Human Resource Development, Department of Secondary and Higher Education addressed to The Secretary, AVF **regarding the acquisition of Poramboke Lands requesting Auroville to provide required information in this regard.**
2. D.O.Lr.No.Rc.I2/8245/2000 dt.13.09.2000 from the Joint Commissioner (Land) Tamil Nadu government to Land Administration department, Chempauk regarding the Land Acquisition Proposal, requesting AV to furnish the required details for making his recommendations to the TN Govt for proposed acquisition.
3. Letter dated 23.06.2000 from the District Revenue Officer, Villuppuram to Auroville requesting AV to submit the Application and requisition letter in respect of the lands intended to be acquired through negotiation, to enable the DRO to send their report to the Government through the Commissioner of Land Administration, on the acquisition of private lands for AV.

4. Letter no.17232/L.A.I(1)/2000-1, dated 11.05.2000 from the Revenue(L.A.I(1) Department, Fort St.George, Chennai to the special Commissioner and Commissioner of Land Administration, Chennai seeking for clarifications and actions on the competent authority to initiate land acquisition proceedings by virtue of the statutory powers conferred on the District commissioner or the Special commissioner and Commissioner of Land Administration as the case may be, under the Land Acquisition Act.
5. Letter from the Joint Secretary, Ministry of Human Resource Development Department of Education, Govt of India bearing ref.no. D.O.No.F.27-11/2000-UU dated 28th March, 2000 requesting the state government to consider the proposal of Auroville regarding acquisition of 8.28 acres of Land under the Land Acquisition Act for Auroville, favourably.
6. Letter No.12/8245/2000 dated 27.03.2000 from the Special Commissioner and Commissioner of Land Administration addressed to the Secretary, Revenue Department, Chennai, recommending the Government to authorize the Revenue Divisional Officer, villupuram as Land Acquisition Officer for acquisition of lands for Auroville Foundation.

Certain facts and observations on these documents on Land Acquisition Process and to show in detail the steps taken by the Central and State Government to aid and cooperate with Auroville to secure the lands in line with the Master Plan and Mother's vision:-

Land Acquisition process followed by the TN Govt:-

The letter dated 23.06.2000 from the DRO to AV earmarks that the process adopted in the land acquisition is being initiated by the DRO upon receipt of relevant application and requisition form AV in respect of the lands proposed to be acquired through negotiation and a report/recommendation on such proposal shall be sent to the Government through the commissioner of Land Administration for getting relevant approvals from the Tamil Nadu Government for such acquisition.

The documents that may be required to be furnished by the entity proposing land acquisition:-

To enable the Commissioner of Land Administration to recommend the State Govt to provide necessary approval/grant for land acquisitions for AV, the following particulars are necessary:-

1. Village Accounts (Copy of Chitta, Adangal & A Register attested by the L.A.O)
2. Whether the lands involved in this acquisition are covered under the Land Reforms Act.
3. Detailed report of the DRO, (with details of the lands to be acquired)
4. Topo-Sketch
5. Inspection notes of L.A.O and D.R.O.

Upon receipt of these particulars from AV, the DRO makes a Report and forwards the same to the Commissioner of Land Administration for making necessary recommendations to the State Govt in respect of proposed land acquisition.

Further, I observe from the Form of requisition that there is a column where the existence of structures have been accorded due consideration, which leads us to the conclusion that there is adequate possibility of acquiring the lands, wherein, a development structure has already been raised. In short, any construction in the lands does not bar the land from being acquired for public purposes. **(TO COLLECT ADEQUATE INFORMATION ON THE RELEVANT PROVISIONS OF LAW FROM THE LAND REFORMS ACT AND THE LAND ACQUISITION ACT).**

TN govt official recommended for authorization as Land Acquisition Officer:-

Vide Letter No.12/8245/2000 dated 27.03.2000, the Special commissioner and Commissioner of Land Administration recommended the Tamil Nadu Government to authorize the Revenue Divisional Officer ("RDO") Villupuram as Land Acquisition Officer for Acquisition of lands for Auroville Foundation. This recommendation has been made pursuant to the proposal sent by the District Collector, Villupuram to authorize the RDO, Villupuram as Land Acquisition Officer to acquire lands for Auroville Foundation.

This letter prefaces that the authorities at the State level have a favorable opinion for acquisition of private lands for Auroville purpose and have also proceeded to make recommendations in this regard.

However, this letter states that since the Auroville Foundation is a statutory body set up by an Act of Parliament, under the Department of Education, Ministry of Human

Resources Development, Government of India wants to purchase the lands for their own purpose through private negotiation through Land Acquisition Act.

Yet, the letter states that the required land value will be deposited by the requisition body. Here the requisition body is referred to as Auroville. The hitch here is that while the letter states that the Government of India wants to purchase the lands, the value will be paid by Auroville.

Protection of Designated Auroville area in view of increasing speculation and real estate development:-

Effect of Master Plan on securing the lands from Speculation:-

The approval of the Master Plan by the Central Government is a precursor to the notification of the Land by the Tamil Nadu Government. Here, in our case, the Master Plan has already been approved by the Central Government vide its letter dated _____, which should have a deterrent effect on the speculative investments and real estate developments, which in effect should have kept the land prices in the designated Auroville area at a reasonable rate.

Aid of Tamil Nadu government:-

Basis the approved Master Plan, we may approach the Tamil Nadu Government to pass a notification of the lands covered under the Master Plan Area under Section 4 of the Land Acquisition Act coupled with another notification under the Town and Country Planning Act to regulate the land use within the Green Belt Area.

Prevailing legal status on land use regulation and protection of lands:-

Pursuant to the approval of the Master Plan by the Central Government, the State Government vide its G.O.(Ms.) No.6 dated 20.01.2003 has made it mandatory to obtain a "No Objection Certificate" to be issued by the Local Planning Authority in respect of the development projects proposed in the land areas situated within the Master Plan Area.

Further, the Special Commissioner of Town and Country Planning vide his letter dated 1.7.2002 has strongly recommended to the Tamil Nadu Government that a Notification may be issued in line with the Mamallapuram Town Planning Authority, in which the Auroville Foundation may have its own jurisdiction in respect of the Land use Regulations within the Master Plan and Green Belt area independent of the Tamil Nadu or Pondicherry Town Planning Authority.

Auroville vide its letter dated 30.08.2002 expressed its concurrence with the said proposal, subsequent upon which the G.O.(Ms.) No.6 dated 20.01.2003 was issued by the Housing and Urban Development Department (UD4.2) issuing orders to the Special Commissioner of Town and Country Planning requesting him not to approve any layouts in respect of Auroville Foundation when once land plan schedules are sent by the Auroville Foundation to the Revenue Divisional Officer for initiating land acquisition proceedings and also any development project proposed inside the Master Plan areas requires a "No Objection Certificate" from the Local Planning Authority of Auroville.

Further, the subsequent letter dated 20.06.2011 bearing ref.no.Na/Ka/No.A5/2045/11 issued by the Deputy Director, Village Administrative Office, Villuppuram to the Block Development Officer, Village Development, Vanur, reiterates that since the Local Planning Authority ("LPA") has taken charge in the light of the Order of the Central Government,

- (a) "No Objection Certificate" needs to be obtained from the LPA for development in the Agricultural lands situated in the Green Belt Master Plan Area;
- (c) There shall not be any approval of lay-outs in the Survey numbers falling within the purview of the Auroville Master Plan Area, by the Revenue Divisional Officer;
- (c) However, such restriction is not extended to the grazing (Poramboke) lands and that the village administration office may grant approval for development in the Poramboke lands;
- (d) This Order does not control the development projects proposed in the lands situated beyond the Green Belt Area;
- (e) Further, the Block Development Officer has been instructed to forward the Survey Number details falling within the Auroville International City and the Green Belt Area, to the respective Village Administrative Offices for necessary action and intimate the Deputy Director's office of the actions taken, in this regard.

Documents and Information required to be perused:

1. Letter No.1707/LD.11 (1)2001-1 dated 02.03.2001 where under Tamilnadu Govt., rejected AV's request for lease of Poramboke lands.
2. The High Court Order referred in letter dated 01.07.2002
3. The meeting held on 15.02.2001 chaired by Secretary, Department of Secondary & Higher Education.
4. The general remarks of the Inspection Officer dated 18.08.1998 over Directorate of Town and Country Planning.
5. Information on Mamallapuram Local Town Planning Authority (With reference to letter dated 01.07.2002).
6. Government of India, Ministry of Human Resource Development Department, Dept of Secondary & Higher Education, D.O.Roc.No.F.27-3/2000-UU, dated 10.04.2001.
7. A copy of letter No.11/29/99/GR dated 22.A4.99 received from Commissioner of Town & Country Planning.
8. Auroville Fax Message dated 08.10.2001 (With reference to letter dated 01.07.2002 from Spl.Commr. of Town and country Planning, Chennai (SCTCP, Chennai)).
9. Government Letter No.43676/UD 4-2/2001-1, HUDD department dated 30.10.2001. (reference as above)
10. The general Remarks of the Inspection Officer dated 18.08.1998 over Directorate of Town and Country Planning, also **pointing out the need for taking up Thiruvakkarai and Mayilam for the preparation of the Master Plan.** (Refer letter dated 01.07.2002 from SCTCP, Chennai).
11. The letter dated 09.07.2002 from AVF to the Chief Secretary to Government regarding protection from unseemly development in the lands around Auroville (With reference to the letter dated 26.07.2002 from HUDD, chennai).

12. Letter dated 17.10.2002 from the Secretary, Auroville foundation (with reference to letter dated 29.10.2002 from HUDD, Chennai)
13. Government Letter dated (Ms.) No.58, Housing and Urban Development Department, dated 5.2.1996 regarding instructions issued to the Director of Town and Country Planning that once land plan schedules are sent by the requisitioning authority for initiating the land acquisition proceedings, the Director of Town and Country Planning should not approve such layouts. (Refer to Go.(Ms.) No.6 dated 20.01.2003).
14. Letter dated 26.02.2001 of the Ministry of Human Resource Development (with ref. to the letter dated 12.04.2001 forwarding the Minutes of the Meeting chaired by the Secretary, Department of Secondary & Higher Education on 15.02.2001 for considering the Master Plan).

Provisions / Government Orders that speaks about the Master Plan:

1. Auroville Foundation Act, 1988:-

Section 17 of the Auroville Foundation Act is an enabling provision to Governing Board to prepare a Master Plan of AV and to ensure the development of AV as planned. The Master Plan has been prepared with the active participation of the Ministry of Urban Development and approved by the Ministry of Human Resource Development, Department of Secondary and Higher Education, UNESCO unit of Government of India in consonance with the provisions of the Auroville Foundation Act, 1988.

2. Letter dated 12.04.2001 bearing ref.no.F-27-3/2000-UU issued by the Department of Secondary & Higher Education:-

This letters informs that the Master Plan of Auroville prepared by the Resident's assembly in consultation with the experts involved and with Technical contribution of the Town and Country Planning Organization has been approved in so far as the Department of Secondary and Higher Education is concerned.

Recommendation by the Special Commissioner of Town and Country Planning:-

The government if deemed fit could issue orders to the effect that for the Survey Numbers indicated by the Auroville Foundation, layouts need not be sanctioned without a "No Objection Certificate".

The Panchayat of Bommaiarpalayam has passed an Order authorizing the layout of this site on February 28, 2002 against which AVF preferred an appeal to the Collector (Villupuram) which is still pending - check status

Certain Observations:-

1. Since Auroville has been established under the Auroville Foundation Act, 1988 envisaging autonomy to the Residents Assembly of Auroville, it may be suggested to protect the area by separate legislation as that of Kalpakkam (Tamil Nadu Nuclear Installation Authority) or on the lines of proposals of Heritage Sites / Towns declared by Tamil Nadu.

Bottom-line:

Any proposal for development in the agricultural lands within the master plan area requires TDC's approval as per the Go.No._____ and the letter dated 20.06.2011.

In respect of constructions done without the approval of TDC, TDC may issue notice in line with the aforesaid GO and initiate appropriate legal action against illegal constructions.

Translation of the Letter dated 20.06.2011 which is in Tamil:-

With reference to the letter bearing ref.no.Na/ka/Auro/land/M 36/2011, received from the Secretary, Auroville Foundation and as has been informed in the said letter, that a Town Development council (TDC) has been created by the Central Government and the Notification in this regard has been published in the gazette notification of the central government dated 16.08.2010.

Therefore, since TDC has taken charge as per the Central Government notification, no layouts for development purpose shall be approved in respect of the Survey Numbers falling within the Auroville Master Plan Area and that this rule shall not control the grazing lands (Poramboke) situated within the master plan area, however, the village development officer does not have any restriction to grant layout approval for development purposes, further this applies only to the land development plans proposed to be done on the agricultural lands that requires approval from the TDC.

TDC cannot have any control over the developments done in the survey numbers situated outside the Green Belt Area. Such developments require the layout approval

from the Village Development office and any approval granted by TDC to these areas shall not be binding.

Further, we have also received the details of the survey numbers falling within the Green Belt Area. In this respect, the Block Development Officer is instructed to inform the same to the relevant Village Panchayats and take further appropriate actions and keep this office posted of the same.

Letter No.1202/LAI(2)/2005-1 dated 21.01.2006 from Revenue Department, where under, the land acquisition request from Auroville has been rejected under the grounds below, which has been reproduce hereunder:-

Quote

“It has been reported by the collector of Villupuram district, through the Special Commissioner and Commissioner of Land Administration that the people of Irumbai Village and 14 surrounding villages objected to the proposed acquisition of lands **as that it would lead to water scarcity both for drinking as well as agriculture in their area** and hence, they requested the Government not to go ahead with the proposal. The villagers also involved in the Road Roko and fasting creating law and order problem.

In this background, I am to inform you that the governments do not propose to go ahead with your request. I therefore, request that Auroville Foundation may pursue with your proposal by purchasing the land only if necessary and if there is no objection to this from the public.”

Unquote.

Clarification reqd in the above letter:

That it is not made clear as to how the water scarcity is caused for drinking and agriculture as the same is contrary to the increase in water level achieved by AV through afforestation. We may seek for clarifications to substantiate their opinion.