

**BEFORE THE NATIONAL GREEN TRIBUNAL, SOUTHERN ZONE BENCH
AT CHENNAI**

ORIGINAL APPLICATION.No.86 of 2025

Aranya, Parisara Mathu Havamana Badalavane Sangha
Through the Authorized Representative
Having office at 1st floor, Nest, MR bhat lane,
Morgans Gate, Mangalore, Karnataka – 575 001.

... Applicant

V E R S U S

1. State of Karnataka
Through the Chief secretary
Room No.320, 3rd floor, Vidhanasoudha,
Bangalore, Karnataka – 560 001.
2. Palakkad Railway Division
Through Divisional Railway Manager,
DRM Complex, Southern Railway,
Olavakkode, Palakkad,
Kerala- 678 002.
3. National Highway Authority of India
Through the Chairman
G 5&6, Dabari-Gurgaon Rd,
Sector 10 Dwaraka, Dwaraka,
Delhi-110 075.
4. Karnataka Pollution Control Board
Through Member secretary,
"Parisara Bhavana"
No.#49, Chruch Street,
Bengaluru, Karnataka – 560 001.
5. Town Municipal Council, Kundapura,
Through the Chief Officer,
JMJR +H89, Kundapura,
Karnataka – 576 201.


Chief Officer,
Town Panchayath, Mullu

6. Mulki Town Panchayat, Mulky
Through the chief officer,
Near Karnad Gandhi Maidhan, Mulki
Dakshin Kannada Dist, karnataka -- 574 154.
7. Mangalore City Corporation,
Through the commissioner,
MG Rd, Lalbagh, Mangaluru,
Karnataka - 575 003.
8. Padubidra Grama Panchayat, Padubidre
Through the Secretary,
4QQC+32X, 1, panvel-Kochi-Kanyakumari Hwy,
Padubidri, Tenka, Karnataka -574 111.
9. Someshwara Town Municipal Council
Through the Chief officer,
QVM3+595, Soeshwar Village, Ullal,
karnataka - 575 022.

... Respondents

NOTARIAL REG. NO.
339/2026
20/02/2026

COUNTER AFFIDAVIT FILED BY THE 6TH RESPONDENT

I, Madhukar. K, Son of Krishnamurthy, aged about 32 years, the chief officer of the Mulki Town Panchayat, Mulki, having office at Near Gandhi maidan Karnad village, Mulki taluk, Dakshina Kannada district, Karnataka- 574 154, now temporarily come down to Chennai, do hereby solemnly affirm and sincerely state as follows:

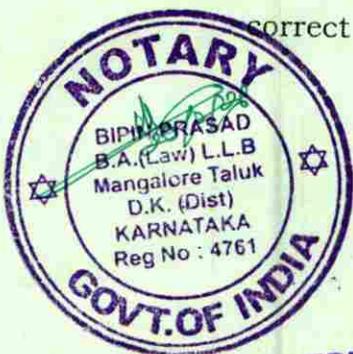
1. I submit that I am the Chief officer of Mulki Town Panchayat, the 6th respondent herein. I am aware of the facts of the case. I am authorized to file this counter affidavit on the behalf of the 6th respondent herein.



[Signature]
Chief Officer
Town Panchayath, Mulki

ERRORS/ CORRECTIONS ETC (11)

2. I submit that the present Original Application has been filed by the Applicant raising issues relating to alleged improper solid waste and plastic waste management along NH66 and railway tracks between Surathkal, Nanthur and Talapady in Dakshina Kannada District.
3. At the outset, it is respectfully submitted that 6th Respondent Mulki Town Panchayat has been unnecessarily arrayed as a party in the present proceedings, as no part of the cause of action alleged in the application arises within the territorial jurisdiction of this Respondent and therefore the implement of this Respondent in the present proceedings is unwarranted and without any factual or legal basis.
4. It is respectfully submitted that the averments and allegations set out in the present Original Application are confined entirely to locations and stretches that fall within the territorial and administrative jurisdiction of the Mangalore City Corporation and other competent authorities, and do not in any manner relate to or arise within the notified limits of Mulki Town Panchayat. The areas referred to by the Applicant, including the concerned portions of National Highway-66 and the railway tracks, are situated outside the jurisdiction of this Respondent and are governed by the respective statutory bodies having control over those regions.
5. Without prejudice to the above preliminary objection, this Respondent is filing the present counter affidavit to place on record the true and correct facts and its compliance with all statutory obligations.



ERRORS/ CORRECTIONS ETC
Nil

X

Chief Officer
Town Panchayath, Mulki

6. It is respectfully submitted that the entire stretch referred to in the Original Application, namely Surathkal - Kuntikan - Nanthur - Talapady stretch of NH66 and the railway tracks including Mangalore Junction (MAQ), fall outside the territorial jurisdiction of Mulki Town Panchayat.
7. The waste dumping locations shown in the annexures and photographs relied upon by the Applicant do not fall within the limits of Mulki Town Panchayat and In the absence of any nexus between the alleged dumping locations and the jurisdiction of Mulki Town Panchayat, no responsibility or obligation can be attributed to this Respondent with regard to the waste accumulation portrayed in the documents relied upon by the Applicant. Consequently, the reliance placed on such annexures and photographs insofar as this Respondent is concerned is misconceived and unsustainable.
8. The Applicant has not made any specific allegation against this Respondent nor issued any representation to this Respondent prior to filing the present Original Application.
9. It is submitted that NH66 passes through Mulki Town Panchayat limits only in a limited stretch measuring approximately 3.52 km, namely Kolnad - Karnad Bypass - Shambhavi River Bridge stretch and the stretch referred to by the Applicant in the Original Application does not fall within the above jurisdiction of this 6th Respondent.



[Signature]
 Chief Officer
 Town Panchayath, Mulki

ERRORS/ CORRECTIONS ETC
 (11)

10. The railway tracks and Mangalore Junction (MAQ) referred to in the application are also outside the jurisdiction of Mulki Town Panchayat. Hence, this Respondent cannot be held responsible for any alleged waste accumulation outside its statutory limits.
11. Without prejudice to the above, it is submitted that Mulki Town Panchayat is strictly complying with the Solid Waste Management Rules, 2016 and Plastic Waste Management Rules, 2016.
12. It is submitted that the 6th Respondent has made many schemes and maintenance of waste under the Plastic Waste Management Rules, 2016;
- I. Mulki Town Panchayath has established infrastructure for segregation, collection, storage, transportation, processing and disposal of plastic waste.
 - II. Mulki Town Panchayath is carrying out segregation, collection, storage, transportation, processing and disposal of plastic waste from all households, commercial, institutional and other non-residential premises and 6th respondent town Panchayath is ensuring that no damages caused to the environment during this process.
 - III. Mulki Town Panchayath is giving recyclable plastic waste fraction to the local recyclers.
 - IV. Mulki Town Panchayath is ensuring processing and disposal on

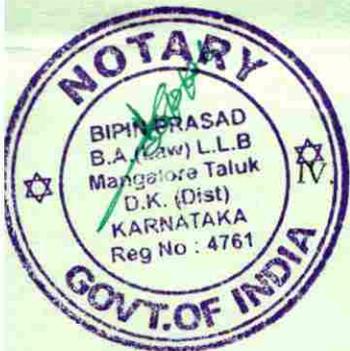



Chief Officer
Town Panchayath, Mulki

non-recyclable fraction of plastic waste in accordance with guidelines issued by Central Pollution Control Board (CPCB).

- V. Mulki Town Panchayath is continuously doing IEC activities regarding ban on Single Use Plastic (SUP), enforcing penalties for use, sale and store of SUP in town limits.
 - VI. Mulki Town Panchayath is ensuring open burning of plastic waste does not take place by imposing fines at regular intervals.
 - VII. Mulki Town Panchayath has framed by law for incorporating the provisions of this rules.
13. It is submitted that the 6th Respondent has made many schemes and maintenance of waste under the Solid Waste Management Rules, 2016;

- I. Mulki town Panchayath is carrying out Door to door collection of segregated solid waste from all households, commercial, institutional and other non-residential premises.
- II. Mulki Town Panchayath has framed by law named Mulki Town Panchayath by law 2026-27 (draft is published for public objections).
- III. Mulki Town Panchayath has setup Material Recovery Facility for processing dry waste collected from all households, commercial, institutional and other non-residential premises.
- IV. Mulki Town Panchayath has setup Vermin Composting method for processing wet waste collected from all households,



[Signature]
 Chief Officer
 Town Panchayath, Mulki

commercial, institutional and other non-residential premises.

- V. Provided training on solid waste management to waste collectors. Sweeping of streets daily or alternative days from our safayi mitra (Pourakarmika).
- VI. Mulki Town Panchayath collect and transport construction and demolition waste as per provision of C&D waste management rules 2016.
- VII. Mulki Town Panchayath made adequate provision of funds for capital investment as well as O&M of solid waste management services in the annual budget.
14. It is submitted that this Respondent is taking continuous steps to ensure that no waste is dumped within its jurisdiction including the NH66 stretch falling within Mulky limits.
15. The 6th respondent Panchayat has established:
- Material Recovery Facility (MRF) for dry waste
 - Vermicomposting facility for wet waste
 - Mechanism for collection of construction and demolition waste.
16. It is submitted that adequate budgetary provisions have been made for solid waste management and regular street sweeping is carried out throughout the Panchayat.




 Chief Officer
 Town Panchayath, Mulki

17. It is submitted that the 6th respondent has taken many actions within the jurisdiction/limits of Mulki Town Panchayat;

- I. Regular sweeping of roads and side lanes is undertaken, and penalties are imposed on violators found dumping waste.
- II. On receipt of any complaint regarding waste dumping within its jurisdiction, immediate action is taken for removal and scientific disposal of such waste.

18. It is submitted that no notice or summons has been issued by the Karnataka State Pollution Control Board or any other Government authority against this 6th Respondent in relation to the violation of the waste management or present subject matter.

19. It is respectfully submitted that, to the best knowledge of the 6th Respondent, no instance of environmental degradation or adverse impact upon water bodies, drainage systems, public spaces or any eco-sensitive areas within the territorial limits of Mulki Town Panchayat has been reported or brought to the notice of this Respondent. There have been no complaints from residents, regulatory authorities or any other alleging pollution, contamination or environmental harm arising out of improper waste management within the jurisdiction of this Respondent.

20. It is submitted that the 6th respondent town panchayat clearly demonstrates and effectively carrying out its statutory duties relating



[Signature]
Chief Officer
Town Panchayath, Mulki

ERRORS/CORRECTIONS ETC Nil

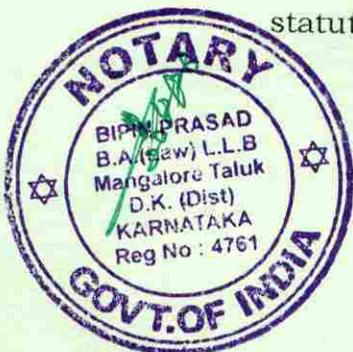
- to sanitation and waste management, ensuring that environmental standards are maintained and that no damage is caused to natural resources or ecological systems within its notified limits.
21. It is respectfully submitted that any alleged accumulation of waste along the railway tracks or on stretches of National Highway-66 that fall beyond the territorial limits of Mulki Town Panchayat does not come within the administrative or statutory domain of this Respondent. The responsibility, if any, for prevention, collection, management and scientific disposal of waste in such areas squarely lies with the respective authorities and agencies exercising ownership, control and jurisdiction over the said railway premises and national highway stretches.
22. In the absence of any statutory mandate, administrative control or operational authority over those areas, this Respondent cannot undertake enforcement or waste management activities beyond its notified limits. Accordingly, any grievance relating to waste accumulation outside the jurisdiction of Mulki Town Panchayat is liable to be addressed by the competent authorities concerned, and no liability can be attributed to this Respondent in respect thereof.
23. This Respondent cannot be pushed with any responsibility or liability in respect of areas that lie beyond its notified municipal limits and statutory control. The functions and duties of Mulki Town Panchayat



[Signature]
 Chief Officer
 Town Panchayath, Mulki

under the relevant municipal and environmental laws are confined strictly to its territorial jurisdiction, and therefore any alleged waste accumulation or environmental concern arising outside such limits falls exclusively within the domain of the competent authorities having administrative and statutory control over those areas. Consequently, this Respondent cannot be held accountable, either directly or vicariously, for acts or omissions pertaining to locations that are outside its jurisdiction and over which it has neither regulatory authority nor operational control.

24. Without prejudice to the foregoing submissions and objections, this Respondent respectfully submits that Mulki Town Panchayat remains fully committed to ensuring proper environmental management and adherence to all applicable statutory norms within its territorial limits. The Panchayat has consistently undertaken measures for scientific waste management, sanitation and environmental protection in accordance with the Solid Waste Management Rules, 2016 and Plastic Waste Management Rules, 2016.
25. It is submitted that this Respondent holds the highest regard for the directions and authority of this Hon'ble Tribunal and shall faithfully comply with any order or direction that may be issued by this Hon'ble Tribunal, insofar as the same relates to and is enforceable within the statutory and territorial jurisdiction of Mulki Town Panchayat.



[Signature]
Chief Officer
Town Panchayath, Mulki

26. It is respectfully submitted that the Applicant has not produced any material to show that any violation of the Solid Waste Management Rules, 2016 or Plastic Waste Management Rules, 2016 has been committed by this Respondent within its jurisdiction. In the absence of any specific allegation or supporting material against this Respondent, continuation of proceedings against Respondent No.6 is unnecessary and liable to be dispensed with.
27. It is respectfully submitted that the present Original Application, appears to have been filed without properly verifying the territorial jurisdiction of this Respondent, has unnecessarily implicated this Respondent without any factual or territorial basis. The allegations raised by the Applicant pertain to areas that are demonstrably outside the jurisdiction of Mulki Town Panchayat, and the inclusion of this Respondent appears to be unwarranted and misconceived. Such implement, without any specific allegation or material showing lapse on the part of this Respondent, has resulted in needless proceedings against a local body that has been diligently discharging its statutory duties in accordance with the Solid Waste Management Rules, 2016 and Plastic Waste Management Rules, 2016.
28. It is therefore most respectfully prayed that this Hon'ble Tribunal may be pleased to record the submissions of the 6th Respondent and dismiss the above Original Application as against Respondent No.6, and pass such further or other orders as this Hon'ble Tribunal may deem fit and



[Signature]
Chief Officer

Town Panchayath, Mulki

ERRORS/CORRECTIONS ETC Nil

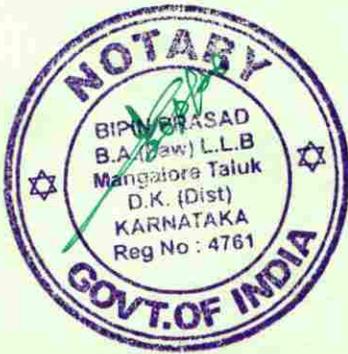
proper in the facts and circumstances of the case, in the interest of justice and equity.

Solely affirmed at Mulki on
This 20th day of February 2026, the
Contents of this affidavit have been
Read over and explained to the
6th respondent in English and appeared
to have understood the same and signed
his name in my presence.


Chief Officer
Town Panchayath, Mulki

BEFORE ME

ADVOCATE

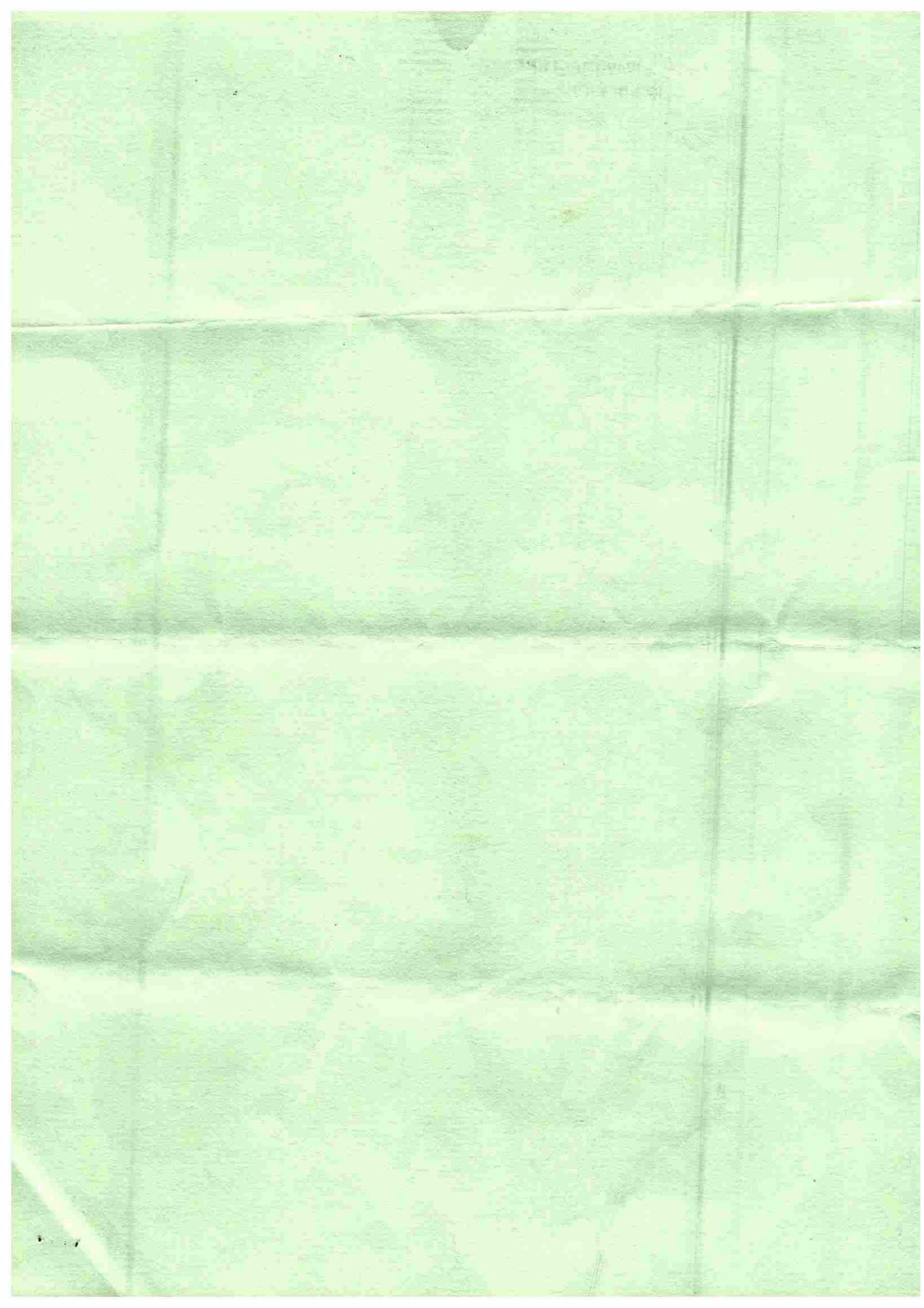


EXECUTED SIGNED BEFORE ME
THIS 20th DAY OF February
2026 AT MULKI


BIPIN PRASAD B.A.(Law) L.L.B
Advocate & Notary
(Govt Of India)
1st Floor, Lalith Mahal Building
Mulki, Mangalore Taluk - 574154

ERRORS/ CORRECTIONS ETC (2 only.)


Chief Officer
Town Panchayath, Mulki



**BEFORE THE NATIONAL GREEN
TRIBUNAL, SOUTHERN ZONE
BENCH AT CHENNAI
ORIGINAL APPLICATION No.86 of 2025**

Aranya, Parisara Mathu Havamana
Badalavane Sangha
Through the Authorized
Representative

... Applicant

V E R S U S

1. State of Karnataka
Through the Chief secretary and
8ors

... Respondents

**COUNTER AFFIDAVIT FILED BY
THE 6TH RESPONDENT**

PRAHALAD K BHAT
COUNSEL FOR 6TH RESPONDENT
63697-37515


Counsel Officer
Myn Panchayath, Mulki