

COMMENTS

In case of overloading of transport vehicles, only the officers of the Motor Vehicles Department are authorised or empowered by the State Government to proceed against such persons who contravenes section 113 of the Act. In other words the police officers are not authorised to book cases for overloading; *Bhalchandra Transport Company, Hubli v. State of Karnataka*, AIR 1998 Kant 213.

114. Power to have vehicle weighed.—(1) ¹[Any officer of the Motor Vehicles Department authorised in this behalf by the State Government shall, if he has reason to believe that a goods vehicle or trailer is being used in contravention of section 113,] require the driver to convey the vehicle to a weighing device, if any, within a distance of ten kilometres from any point on the forward route or within a distance of twenty kilometres from the destination of the vehicle for weighment; and if on such weighment the vehicle is found to contravene in any respect the provisions of section 113 regarding weight, he may, by order in writing, direct the driver to off-load the excess weight at his own risk and not to remove the vehicle or trailer from that place until the laden weight has been reduced or the vehicle or trailer has otherwise been dealt with so that it complies with section 113 and on receipt of such notice, the driver shall comply with such directions.

(2) Where the person authorised under sub-section (1) makes the said order in writing, he shall also endorse the relevant details of the overloading on the goods carriage permit and also intimate the fact of such endorsement to the authority which issued that permit.