



WP(C) No. 44116 of 2023

2026:KER:16313

1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

&

THE HONOURABLE MR. JUSTICE K. V. JAYAKUMAR

THURSDAY, THE 19TH DAY OF FEBRUARY 2026 / 30TH MAGHA, 1947

WP(C) NO. 44116 OF 2023

PETITIONER:

P.B.SATHEESH,
AGED 46 YEARS,
DIRECTOR, NERKAZHACHA ASSOCIATION, BUILDING NO:18/
686-8 MULLAKKARA, MULAYAM ROAD, THRISSUR,
KERALA HAVING CORPORATE IDENTIFICATION NUMBER IS (CIN)
U85300KL2020NPL064587, PIN - 680651

BY ADVS.
SRI.G.KIRAN
SHRI.AMAR S.R.
SRI.R.KISHORE (KALLUMTHAZHAM)

RESPONDENTS:

- 1 UNION OF INDIA REPRESENTED BY THE SECRETARY,
MINISTRY OF ROAD TRANSPORT & HIGHWAYS,
MINISTRY OF ROAD TRANSPORT & HIGHWAYS
(MORTH) TRANSPORT BHAWAN, 1, PARLIAMENT STREET,
NEW DELHI, PIN - 110001
- 2 NATIONAL HIGHWAYS AUTHORITY OF INDIA,
REPRESENTED BY ITS CHAIRMAN
G 5&6, SECTOR-10, DWARKA,
NEW DELHI, PIN - 110075



2026:KER:16313

WP(C) No. 44116 of 2023

2

- 3 STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT
REPRESENTED BY GOVERNMENT PLEADER,
HIGH COURT OF KERALA, PIN - 682031
- 4 DIRECTOR, DIRECTORATE OF INDUSTRIES & COMMERCE
3RD FLOOR, VIKAS BHAVAN,
VIKAS BHAVAN P O,
THIRUVANANTHAPURAM, KERALA, PIN - 695033
- 5 STATE OF KERALA REPRESENTED BY SECRETARY,
HOME AND VIGILANCE
SECRETARIAT, THIRUVANTHAPURAM, PIN - 695001
- 6 DIRECTOR GENERAL OF POLICE, KERALA
POLICE HEAD QUARTERS, VAZHUTHACAUD,
THIRUVANANTHAPURAM, PIN - 695014
- 7 TRANSPORT COMMISSIONER, KERALA
TRANSPORT COMMISSIONERATE, 2ND FLOOR, TRANS TOWERS,
VAZHUTHACAUD, THIRUVANTHAPURAM, PIN - 695014
- 8 STATE OF KERALA REPRESENTED BY SECRETARY,
TRANSPORT DEPARTMENT
TRANSPORT COMMISSIONERATE,
2ND FLOOR, TRANS TOWERS, VAZHUTHACAUD,
THIRUVANTHAPURAM, PIN - 695014
- 9 STATE OF KERALA REPRESENTED BY THE DIRECTOR,
VIGILANCE AND ANTI- CORRUPTION BUREAU
DIRECTORATE OF VIGILANCE AND ANTI- CORRUPTION BUREAU
(VIGILANCE DIRECTORATE) ,
VIKAS BHAVAN, LAW COLLEGE RD,
OPPOSITE KSRTC DEPOT, P.O, PALAYAM,
THIRUVANANTHAPURAM, KERALA, PIN - 695033
- 10 DIRECTOR, MINING AND GEOLOGY, KERALA
DIRECTORATE OF MINING AND GEOLOGY,
KESAVADASAPURAM, PATTOM PALACE P.O.,
THIRUVANANTHAPURAM, PIN - 695004



2026:KER:16313

WP(C) No. 44116 of 2023

3

11 KERALA ROAD SAFETY AUTHORITY,
REPRESENTED BY ITS CHAIRMAN
4TH FLOOR, TRANS TOWERS, DPI, VAZHUTHACAUD,
THIRUVANANTHAPURAM, KERALA, PIN - 695014

BY ADV SHRI.SUVIN R.MENON, SENIOR PANEL COUNSEL

ADV. BIDAN CHANDRAN, ADV. SUVIN R MENON, SR. PANEL
COUNSEL FOR NHAI, ADV. NEEMA T V, SR. GP.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19.02.2026, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



2026:KER:16313

WP(C) No. 44116 of 2023

4

J U D G M E N T

Raja Vijayaraghavan V., J.

The petitioner is the Director of Nerkazhcha Association, a Non-Governmental Organisation registered under the Companies Act, 2013. According to the petitioner, the Central Government had issued gazette notifications, policy circulars, and memoranda regarding the maximum allowable load-carrying limits for each class of heavy vehicles, which include trucks, trailers, and tractors. A copy of the gazette notification dated 18.10.1996, issued by the 1st respondent regarding the specification of maximum gross vehicle weight and maximum safe axle weight for heavy vehicles in India has been produced as Ext.P11.

2. The grievance of the petitioner is that the 9th respondent has not yet taken any action against the overloading of vehicles. It is in the afore circumstances that the petitioner has approached this Court seeking the following reliefs:

- (i) To issue a writ of mandamus or other appropriate writ order or direction to the 2nd respondent for the strict implementation of Ext. P11 measures under the policy circular.



- (ii) To issue a writ of mandamus or other appropriate writ, order or direction to the 3rd and 8th respondents for the strict implementation of Ext.P3.
- (iii) To issue a writ of mandamus or other appropriate writ, order or direction to the 10th respondent only to issue transit pass in accordance with the Ext.P11 weight restriction for each consignment."

3. When this matter came up for consideration on 28.10.2025, it was submitted before this Court by the learned counsel appearing for the National Highways Authority of India that, pursuant to detailed deliberations and after obtaining considered inputs from the petitioner herein, the NHAI had finalized a draft proposal outlining a set of measures intended to curb and prevent the recurring menace of overloading of trucks on National Highways. It was further submitted before this Court that the said draft would be placed for consideration at a meeting jointly convened by the NHAI on one side and the Transport Commissioner (7th respondent), together with the Kerala Road Safety Authority (11th respondent), on the other.

4. The learned Government pleader submitted before this Court that steps shall be taken to convene the said meeting, and the outcome and the decision would be communicated to this Court.

5. In terms of the said submissions, directions were issued to the 5th respondent and the NHAI to ensure that comprehensive deliberations were



carried out among all principal stakeholders on the issues involved, with a view to formulating a detailed and enforceable Standard Operating Procedure (SOP). We had directed that the SOP be finalised and placed before this Court within a period of two weeks.

6. In pursuance of the same, a memo has been filed by the learned Government Pleader enclosing the approved copy of the SOP for enforcement against overloading of goods vehicles on National Highways, as approved by the Government.

7. We consider it necessary to extract the Standard Operating Procedure (SOP), which lays down a uniform and structured mechanism for the detection, verification, and enforcement of overloading of goods vehicles on National Highways through the use of Weigh-in-Motion (WIM) systems and Static Weigh Bridges (SWB). The SOP has been framed with the specific object of ensuring strict and effective enforcement action against vehicle owners, operators, and drivers in accordance with the provisions of the Motor Vehicles Act, 1988 and the Central Motor Vehicles Rules, 1989. The procedure is intended to eliminate ambiguity, secure consistency in implementation, and ensure that violations are dealt with firmly and uniformly across jurisdictions.



STANDARD OPERATING PROCEDURE (SOP)

1. Purpose

This Standard Operating Procedure (SOP) establishes a uniform system for detection, verification, and enforcement of the overloading of goods vehicles on National Highways through Weigh-in-Motion (WIM) systems and Static Weigh Bridges (SWB). It ensures strict legal action against vehicle owners, operators, and drivers in accordance with the Motor Vehicles Act, 1988 (MVA) and the Central Motor Vehicles Rules (CMVR).

2. Scope

This SOP applies to the following agencies involved in overloading enforcement on National Highways:

1. National Highways Authority of India (NHAD) and its concessionaires operating Fee Plazas
2. State Transport Department and notified Enforcement Officers
3. State Police assisting enforcement
4. Department of Mining & Geology
5. Forest Department
6. Port Authorities

3. Definitions

- **WIM (Weigh-in-Motion):** Automated system for preliminary screening of overloaded vehicles.
- **SWB (Static Weigh Bridge):** Calibrated weighbridge used for legally valid axle and GVW confirmation.
- **ANPR:** Automatic Number Plate Recognition
- **MVA:** Motor Vehicles Act, 1988.
- **CMVR :** Central Motor Vehicles Rules, 1989.
- **GVW:** Gross Vehicle Weight permitted for the vehicle category.
- **DL:** Driving License
- **Enforcement Officer:** RTO/JRTO/MVI/AMVI notified under the MVA.



- **Supporting Officer:** Police personnel deployed for interception and traffic control.

4. Responsibilities

4.1 NHAI / Concessionaire

- Operate and maintain WIM and SWB equipment
- Provide access to data for enforcement and retain CCTV/ANPR footage for at least 30 days.
- Ensure equipment calibration and downtime logging.

4.2 Transport Department

- Deploy notified Enforcement Officers for confirmation, weighing and penal action.
- Conduct SWB weighment and enforce Sections 114 & 194 of MVA.
- Order off-loading when required. Arrange for off-loading location, which shall be outside the Fee Plaza and provided by the State Government/District administration and supervise off-loading at that designated location.
- Maintain enforcement records, daily logbook and supervise off-loading.
- Coordinate with Mining/Forest/Port officers when violations involve mineral, timber, or port cargo permits.

4.3 Police Department

- Intercept WIM-flagged vehicles and direct them safely to the SWB.
- Maintain traffic discipline and ensure smooth movement at enforcement points.
- Assist Enforcement Officers in the detention of vehicles, if required.

4.4 Department of Mining & Geology

- Verify compliance of mineral-carrying vehicles with the weight and quantity limits prescribed in the e-Transit



Permit / Mineral Dispatch Permit issued under the Rules.

- Assist MVD in cases where weighment indicates transportation exceeding the permitted quantity. Such excess constitutes a violation under the Prevention of Illegal Mining and Transportation Rules, separate from the MV Act offence.
- As part of the quarry licensing/renewal framework, ensure that licensees maintain access to a certified weighbridge within or adjacent to the quarry premises, as permitted under the conditions of the quarry lease/permit.
- Conduct periodic inspections and joint verification with MVD where mineral overloading is detected

4.5 Forest Department

- Ensure that vehicles transporting timber/forest produce comply with conditions in the Transit Pass, including load dimensions and safe stacking as mandated under the Transit Rules.
- Where MVD detects vehicles carrying timber/forest produce exceeding declared volume or projecting beyond permissible dimensions, Forest Officers shall verify the permit and take action under the Forest Act/Transit Rules.
- Coordinate with MVD for joint inspections in cases where unsafe loading or violation of permit conditions is suspected.

4.6 Port Authorities

- Issue transit permits/clearances, ensuring that cargo loaded within Port premises complies with the declared manifest weight and relevant Port Regulations.
- Implement internal checks (weighbridge verification, gate-based screening) to prevent the dispatch of overloaded vehicles from the Port premises.
- Share vehicle/cargo manifest data with MVD on request for enforcement and verification.
- Coordinate with MVD where recurrent overloading cases are traced back to Port- origin cargo.



5. Equipment Requirements

- Functional WIM and SWB with valid calibration certificates.
- CCTV, ANPR cameras covering entry, weighbridge, and exit lanes.
- Power backup (UPS and DG set).
- Proper signage, cones, lane marking, and safety barricades.
- Adequate lighting for night operations.

6. Procedure

6.1 Screening (WIM)

1. All goods vehicles shall pass through the WIM lane.
2. WIM system flags vehicles suspected to be overloaded.
3. ANPR captures the registration number and links it to WIM data.

6.2 Interception

1. Police intercept the flagged vehicle downstream.
2. Driver is directed to the Static Weigh Bridge for confirmation weighing.

6.3 Confirmation Weighing (SWB)

1. Enforcement Officer conducts axle-wise and GVW weighing.
2. Weight slip is generated with date, time, axle loads, and vehicle number.
3. Record is automatically stored in the system and linked to CCTV/ANPR.



7. Enforcement Action

7.1 If the weight is within permissible limits

The Vehicle is released immediately.

7.2 If the vehicle is overloaded

(A) Penalty — Section 194 MVA

- ₹20,000 + ₹2,000 per tonne (or part thereof) of excess weight.
- Fine imposed on owner and driver.

(B) Mandatory Off-loading — Section 114 MVA

- Enforcement Officer orders removal of excess load.
- Vehicle owner must arrange an alternate vehicle.
- Off-loading must be completed within 24 hours.
- Off-loading to be carried out only at the designated area outside the Fee Plaza.
- Re-weighing is mandatory before release.

(C) Detention

- Overloaded vehicles are detained until off-loading is completed.
- Failure to comply within 24 hours may lead to:
 - σ Seizure of vehicle/load under applicable laws
 - σ Suspension of permit
 - σ Initiation of proceedings for cancellation of fitness or permit

(D) Punitive Measures for Drivers

(i) DL Endorsement



- Offence recorded in SARATHI/e-Enforcement portal.

(ii) DL Suspension — Section 19 MVA

- Second offence within 12 months — 3-month suspension.
- Third/subsequent offences — 6-month suspension or revocation.

(iii) Disqualification — Section 20 MVA

- Repeated offenders may be barred from driving heavy vehicles.

(iv) Dangerous Overloading (>25% excess)

- To be treated as Dangerous Driving under Section 184 MVA.
- On-the-spot DL suspension for 3 months.

(v) Permanent Revocation — Section 22 MVA

- More than 3 overloading offences within 24 months → Eligibility for permanent revocation of heavy vehicle licence and mandatory retraining.

8. Off-loading Procedure

1. Vehicle moved to designated off-loading area.
2. Continuous video recording of off-loading by MVD.
3. Enforcement Officer supervises the entire process.
4. Vehicle re-weighed to ensure compliance.

9. Records & Documentation

- SWB-generated weight slips.
- Enforcement Register maintained by Transport Department.
- Daily summary of overload cases submitted to District RTO and NHAI PIU.



- CCTV/ANPR recordings retained by NHAI for minimum 30 days.
- Calibration and downtime logs are maintained by NHAI/concessionaire.

10. Review Mechanism

District Level

- It shall be an agenda to be discussed during the District Road Safety Meeting.

State Level

- Review in the State Road Safety Authority meeting.

11. Safety & Operational Controls

- Adequate lighting, signage, and lane discipline at enforcement locations.
- No stopping on the main carriageway except during emergency interception.
- Real-time communication system among NHAI, Police, Transport Department, and other stakeholders.

12. Non-Compliance Reporting

Failures shall be escalated to:

Type of Failure

Reporting Authority

WIM/SWB/CCTV /
ANPR equipment
issues

- Project Director, NHAI

Enforcement lapse/
non-deployment

- Transport Commissioner



2026:KER:16313

WP(C) No. 44116 of 2023

14

Interception/traffic
support deficiency

- District Police Chief

Quarry / forest / port
cargo-related
overloading

-Director of Mining &
Geology/Chief
Conservator of Forests/
Port Authority

8. The learned counsel appearing for the NHA I submitted that all relevant aspects were duly examined and taken into account at the time of issuance of the circular. In light of the said submission, and considering the critical need for uniform and effective enforcement on National Highways, we direct the respondent–Government to finalise the Standard Operating Procedure (SOP) expeditiously and, in any event, without avoidable delay. The SOP shall be given wide publication and adequate notice so as to ensure that all stakeholders are duly informed.

9. The Government shall take all necessary administrative and supervisory measures to ensure that the SOP, prepared in conformity with Ext.P11, is implemented strictly and in its true letter and spirit. All authorities entrusted with its enforcement shall ensure continued, consistent, and uncompromising compliance.

10. We further direct the 3rd respondent to file a detailed compliance report before this Court within a period of 30 days from today, specifically



2026:KER:16313

WP(C) No. 44116 of 2023

15

indicating the steps taken towards finalisation, publication, and implementation of the SOP. The Registry shall list the matter after one month for perusal of the compliance report.

With the above directions, this Writ Petition stands disposed of.

Sd/-

**RAJA VIJAYARAGHAVAN V.,
JUDGE**

Sd/-

**K.V. JAYAKUMAR,
JUDGE**

msh



2026:KER:16313

WP(C) No. 44116 of 2023

16

APPENDIX OF WP(C) NO. 44116 OF 2023

PETITIONER EXHIBITS

Exhibit P1	TRUE COPY OF THE JUDGMENT IN WP(C)NO.35057 OF 2022 DATED 01-03-2023 OF THE HON'BLE HIGH COURT OF KERALA
Exhibit P2	ORDER ISSUED BY THE 8TH RESPONDENT DATED 08-05-2023
Exhibit P3	TRUE COPY OF THE LETTER ISSUED BY THE GOVERNMENT OF INDIA, MINISTRY OF ROAD TRANSPORT AND HIGHWAYS, THE 1ST RESPONDENT HEREIN DATED 29-05-2023 GIVING STRICT DIRECTION FOR THE IMPLEMENTATION OF THE LEGAL PROVISION FOR TAKING ACTION AGAINST OVERLOADING TRUCKS
Exhibit P4	TRUE COPY OF THE DOCUMENTS RECEIVED UNDER THE RTI ACT WHICH IS THE COMMUNICATION DATED 11-04-2023 SENT BY THE 7TH RESPONDENT TO THE 8TH RESPONDENT ON THE REPRESENTATION FILED BY THE PETITIONER
Exhibit P5	TRUE COPY OF THE COMPLAINT DATED 07-04-2023 THAT THE PETITIONER HAS FILED WITH THE 6TH RESPONDENT ALONG WITH TRANSLATION
Exhibit P6	TRUE COPY OF THE FIR NO. 0314 OF ALATHUR POLICE STATION IN PALAKKAD DISTRICT DATED 16-03-2023 OBTAINED UNDER THE RTI ACT, 2005 ALONG WITH TRANSLATION
Exhibit P7	TRUE COPY OF THE LETTER DATED 14-12-2022 SENT BY THE OFFICE OF THE ASSISTANT COMMISSIONERS OF POLICE, THRISSUR CITY TO THE DISTRICT POLICE CHIEF THRISSUR CITY DATED 14-12-2022 ALONG WITH TRANSLATION
Exhibit P8	. THE COPY OF THE LETTER RECEIVED FROM KELTRON IN CHARGE OF THE INSTALLATION AND UPKEEP OF THE CAMERAS BY THE MOTOR VEHICLES DEPARTMENT OF KERALA DATED 17-07-2023 UNDER THE RTI ACT ALONG WITH TRANSLATION



2026:KER:16313

WP(C) No. 44116 of 2023

17

Exhibit P9	NEWS ARTICLES REPORTING ACCIDENTS AND MISHAPS THAT OCCURS DUE TO THE OVERLOADING OF TRUCKS ALONG WITH TRANSLATION
Exhibit P10	TRUE COPY OF THE INFORMATION RECEIVED UNDER THE RIGHT TO INFORMATION ACT 2005 FROM THE 2ND RESPONDENT DATED 24-05-2023 ALONG WITH TRANSLATION
Exhibit P11	TRUE COPY OF THE GAZETTE NOTIFICATION DATED 18-10-1996 ISSUED BY THE 1ST RESPONDENT REGARDING THE SPECIFICATION OF MAXIMUM GROSS WEIGHT AND THE MAXIMUM SAFE AXLE WEIGHT FOR HEAVY VEHICLES IN INDIA ALONG WITH VARIOUS CIRCULARS AND MEMORANDUM ISSUED BY THE 2ND RESPONDENT TO PREVENT THE OVERLOADING OF TRUCKS AT TOLL PLAZAS
Exhibit 12	TRUE COPY OF THE RTI REPLY RECEIVED FROM THE 9TH RESPONDENT DATED 05-04-2023 ALONG WITH TRANSLATION
Exhibit P13	TRUE COPY OF THE RIGHT TO INFORMATION (RTI) RECEIVED BY THE PETITIONER FROM THE DEPARTMENT MINING AND GEOLOGY THRISSUR DISTRICT OFFICE OF THE 10TH RESPONDENT DATED 22-12-2023 ON HIS RTI APPLICATION DATED 20-11-2023 INCLUDING TRANSLATION