

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

MONDAY, THE 13TH DAY OF JULY 2015/22ND ASHADHA, 1937

WA.No. 1385 of 2015 ()

(AGAINST THE ORDER IN RP.NO. 130/2015 DATED 21-02-2015)

APPELLANT/RESPONDENT/WRIT PETITIONER :

**MOHANRAJ,S/O.APPUKUTTAN,
16/443 F, KANNACHATH HOUSE,
MANJERI MUNICIPALITY, MALAPPURAM-676 121**

BY ADV. SRI.V.RAJENDRAN

RESPONDENT(S)/REVIEW PETITIONERS/RESPONDENTS 1 & 2 IN WP(C) :

- 1. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
KOZHIKODE-673 020**
- 2. THE REGIONAL TRANSPORT OFFICER,
REGIONAL TRANSPORT OFFICE, MALAPPURAM-676 505**

BY SR GOVERNMENT PLEADER SRI.P.I.DAVIS

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION
ON 13-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

sts

ASHOK BHUSHAN, C.J.

&

A.M.SHAFFIQUE, J.

.....

W.A.No.1385 of 2015

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Dated this the 13th day of July, 2015

JUDGMENT

Ashok Bhushan, C.J.

This writ appeal has been filed against the order dated 12.02.2015 in R.P.No.130 of 2015. The appellant filed W.P.(C) No.26229 of 2014 seeking to quash Ext.P5 order, by which appellant's application for grant of temporary permit was rejected. The learned single Judge set aside Ext.P5 order and directed the respondents to pass appropriate orders on the application and issue temporary permit for a period of 20 days. The State filed the review petition, stating that the timings of expired permit has been allotted to various stage carriages and there is no vacancy on which any temporary permit can be granted. The review petition has been allowed by learned single Judge and the writ petition has been dismissed. The learned single Judge while allowing the review petition has observed that there is no vacancy on which temporary permit could have been issued.

2. The learned counsel for the appellant contends that the timings allotted to the different stage carriages are only for a short distance in the route and not for the entire route. Hence, the

temporary permit application was liable to be considered.

3. We have perused the writ petition filed by the petitioner/appellant. No such ground was urged or placed in the writ petition so as to enable the respondents to submit a reply. In the writ appeal, the appellant cannot urge any ground, which was not taken in the writ petition and we see no reason to permit a ground, which is based on facts to be urged in the writ petition, that too, in an order passed on the review petition.

We do not find any error in the order dated 12.02.2015, hence, this writ appeal is dismissed.

Sd/-
ASHOK BHUSHAN, Chief Justice.

Sd/-
A.M.SHAFFIQUE, Judge.