

**IN THE HIGH COURT OF MEGHALAYA  
AT SHILLONG  
: ORDER :**

**WP (C) No.391 of 2017**

Maxim Infrastructure and Real Estate Pvt. Ltd. ... Petitioner

-Versus-

State of Meghalaya and others ... Respondents

**Date of Order : 24.01.2018**

**PRESENT  
HON'BLE SHRI JUSTICE DINESH MAHESHWARI, CHIEF JUSTICE  
HON'BLE SHRI JUSTICE S.R. SEN**

Shri K Paul, for the petitioner

Ms. P Agarwal, GA for the respondents No.1 and 2

**BY THE COURT: (per Hon'ble the Chief Justice) (ORAL)**

This petition was filed during winter vacations and on the urgency stated, was taken up on 29.12.2017 when vacation Court passed the following order:-

29-12-2017

*Heard Mr. K.Paul, learned counsel on behalf of the petitioner as well as Mr. H.Kharmih, learned State counsel on behalf of the State respondents.*

*Mr. K.Paul submits that respondents No. 3 to 9, without following the procedure, has issued notices to the petitioner informing that the Bank has already taken possession of the properties in questions which is illegal, as they cannot take possession without approaching the Debt Recovery Tribunal.*

*None has appeared on behalf of the Bank.*

*Issue notice to all the respondents. Petitioner is directed to take necessary steps.*

*Since Mr. H.Kharmih, learned State counsel is present on behalf of the State respondents and has accepted the notice, no formal notice is called for.*

*In the meantime, impugned notices dated 22-11-2017 and 24-11-2017 issued by the respondents No. 3 to 9 are hereby stayed till the next date.*

*List the matter after winter vacation.*

*Since the learned counsels admit that the matter is to be adjudicated by the Division Bench, place the matter before the Hon'ble Chief Justice for his consideration."*

It is an admitted position that the petitioner has yet not taken the necessary steps for issuance of notices to the unrepresented respondents i.e., the creditor banks. Learned counsel for the petitioner has attempted to

submit that the banks were informed of filing of the petition but such submissions hardly satisfy the requirements of taking necessary steps for issuance of process in terms of the order passed by the Court.

Apart from the above, in this petition, the proceedings under Section 13(2) and 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 [‘the Act of 2002’] are sought to be questioned and it is an admitted position that the petitioner has the specific statutory remedy of appeal under Section 17 of the Act of 2002.

In the aforesaid view of the matter, we find no reason to continue with this petition any further.

Upon this Court making the observations thus, learned counsel for the petitioner seeks permission to withdraw.

Permission granted.

This petition stands dismissed as withdrawn.

Interim order dated 29.12.2017 stands vacated.

**JUDGE**

**CHIEF JUSTICE**