

IN THE HIGH COURT FOR THE STATE OF TELANGANA

**AT HYDERABAD
(Special Original Jurisdiction)**

**TUESDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

WRIT PETITION NO: 21289 OF 2026

Between:

Janampet Yadagiri, S/oAnjaiah Goud, Aged about 33 Years, Occ Business
R/o H No 2-81, Kondannaguda Farooq Nagar Mandal Kondannaguda
Velgerla Post, KV Rangareddy Dist Telangana, -509216

...PETITIONER

AND

1. The Union of India, Rep by its Ministry of Finance Government of India New Delhi
2. The General Manager, RBL Rathnakar Bank Limited Credit cards RBL Bank Ltd D No 63865, Ground Floor, My Home Jupally Complex opp Green Park Hotel Green Lands, Amarpet Road, Hyderabad, Telangana - 500016
3. The General Manager, Yes Bank credit cards Bearing No 1/8/387, Agravanshi Plaza Huda, Lane, off Sardar Patel Road, Begumpet, Hyderabad Telangana 500003
4. The General Manager, Hdfc Bank credit cards No 6/3/248/1/1/A Gr Flr Bhaskar Plaza Road No 1, Banjara Hills, Hyderabad, Telangana - 500034 India
5. The General Manager, Sbi Card Unit No's 3c, 3d& 3e, 3rd Floor Queens plaza 1-8-382 SP Road, Secunderabad, Telangana-500003
6. The General Manager, Capital India Finance Limited Room No. 203, 2nd Floor, Pavani Plaza Flat No.6, 2-9401A1, Khairathabad, Hyderabad 500004
7. The General Manager, One Card Finance Limited C99F+PP8, Madhuranagar Colony, Gachibowli 500032.
8. The General Manager, Kapil Chits Private Limited Plot No.51, Main Road 9th Phase, KPHB Colony, Kukatpally, Hyderabad, Telangana-500085
9. The General Manager, Navi Finser Private Limited 6, Nagarjuna Cir Road, Mothi Nagar Dwarakapuri, Banjara Hills, Hyderabad, Telangana -500082

10. The General Manager, NBFC Krazee bee services Ltd, House No.6-3-1100/5
3rd Floor, Raj Bhavan Road, Somajiguda, Hyderabad, Telangana 500082
11. The General Manager, Simply Save SBI card Sbi Card Unit No's 3c, 3d,&3e,
3rd Floor Queens plaza, 1-8-382, SP Road, Secunderabad, Telangana-
500003
12. The General Manager, Axis Bank Credit cards 6-3-879/B, G Pulla Reddy, 1st
FLOOR, Begumpet Road, Green Lands, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ order or direction more particularly one in the nature WRIT OF MANDAMUS declaring the action of the respondents in sending the collection agents/ muscle men/ unsocial elements to the petitioner's residence and harassing by calling in odd times and visiting the petitioner's house by sending collecting agency and harassing the family members also by the respondent bank authorities is illegal arbitrary violation of the principles of natural justice and blatant violation and as well as the fundamental rights guaranteed under the Constitution of India and violation of Reserve Bank Of India Guidelines and consequently direct the respondents not to harass the petitioner's and his family members on the ground of collecting the monthly installment dues.

I.A. NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to harass the petitioner's and his family members on the ground of collecting the monthly installment dues forthwith pending disposal of the main writ petition.

Counsel for the Petitioner: SRI. GANGAVATH NAVEEN KUMAR

**Counsel for the Respondent No.1: SRI. N BHUJANGA RAO,
DEPUTY SOLICITOR GENERAL OF INDIA**

Counsel for the Respondent No.2 To 12: ----

The Court made the following: ORDER

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.21289 of 2026

DATE OF ORDER: 07.07.2026

Between:

Janampet Yadagiri

...Petitioner

AND

The Union of India
Represented by its Secretary
Ministry of Finance,
Government of India, New Delhi and others

...Respondents

ORDER : (ORAL)

Heard Mr. Gangavath Naveen, learned counsel for the petitioner;
Mr. N.Bhujanga Rao, learned Deputy Solicitor General of India, for the
respondent No.1.

2. Learned Deputy Solicitor General of India submitted that the subject
matter of this writ petition is squarely covered by a common order passed by
this Court in W.P. No.18634 of 2026 and batch dated 19.06.2026. The said
submission is not opposed by the learned counsel for the petitioner.

3. Recording the aforesaid submission, the writ petition is disposed of in
terms of the common order passed by this Court in W.P. No.18634 of 2026 and
batch dated 19.06.2026. There shall be no order as to costs.

Digitally signed by

As a sequel thereto, miscellaneous applications, if any, pending in the writ petition, stand closed.

**SD/- P. PONNA KRISHNA
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The Ministry of Finance Government , Union of India, of India New Delhi
2. The General Manager, RBL Rathnakar Bank Limited Credit cards RBL Bank Ltd D No 63865, Ground Floor, My Home Jupally Complex opp Green Park Hotel Green Lands, Amarpet Road, Hyderabad, Telangana - 500016
3. The General Manager, Yes Bank credit cards Bearing No 1/8/387, Agravanshi Plaza Huda, Lane, off Sardar Patel Road, Begumpet, Hyderabad Telangana 500003
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12. The General Manager, Axis Bank Credit cards 6-3-879/B, G Pulla Reddy, 1st FLOOR, Begumpet Road, Green Lands, Hyderabad.
13. One CC to SRI. GANGAVATH NAVEEN KUMAR, Advocate [OPUC]
14. One CC to SRI. N BHUJANGA RAO, Deputy Solicitor General of India [OPUC]
15. Two CD Copies



Along with a copy of the order dated 19.06.2026 in W.P No.18634 of 2026

DAN

HIGH COURT

CC TODAY

DATED: 07/07/2026

ORDER

WP.No.21289 of 2026



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

(17)
09/07/26
K.K.

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

THE HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY

**WRIT PETITION Nos.18634, 18641, 18694, 18767, 18848, 18876,
18878, 18917, 18952, 18835, 18844, 18048, 18105, 18121, 18129,
18132, 18340, 18350, 18375, 18398, 18400, 18434, 18441, 18551,
18602, 18619, 7992, 16671, 18544, 16659, 16666, 16668, 16673
16683, 18112 AND 18166 OF 2026**

ORDER: 19-06-2026

W.P. No.18634 of 2026:

Between:

Mrs. Mavuri Kousalya

... Petitioner

AND

Union of India,
Represented by its Secretary,
Ministry of Finance, New Delhi and others

... Respondents

COMMON ORDER : (ORAL)

Since common issue is involved in all these writ petitions,
with the consent of both sides, these writ petitions are disposed of
by this common order at the stage of admission.

2. For the sake of convenience, W.P. No.18634 of 2026 is taken as lead case for disposal of this batch of writ petitions. Brief facts in W.P. No.18634 of 2026 are as under:

3. This writ petition is filed seeking to declare the action of respondent Nos.3 to 8 in attempting to recover amounts from the petitioner in arbitrary, illegal and high-handed manner, without following due process of law, in blatant violation of the circular of Reserve Bank of India (RBI) bearing No.RBI/2022-23/108, DOR.ORG.REC.65/21.04.158/2022-23 dated 12.08.2022, and to further declare the inaction of respondent No.2 in enforcing the said circular as unconstitutional and violative of Articles 14, 19 and 21 of Constitution of India.

4. Heard learned counsel for the petitioners and Mr. A. Nehru, learned standing counsel for Central Government, representing, Mr. N. Bhujanga Rao, learned Deputy Solicitor General of India, appearing for respondent No.1, and perused the material on record.

5. Learned counsel for the petitioners submitted that several orders have been passed by co-ordinate Benches of this Court by relying on judgments of the Hon'ble Supreme Court in **ICICI Bank Ltd. v. Prakash Kaur**¹, **ICICI Bank Ltd. v. Shanti Devi Sharma**² and the circular issued by RBI dated 12.08.2022.

6. In **ICICI Bank Ltd. v. Prakash Kaur** (supra 1), the Hon'ble Supreme Court has made the following observations:

“16. Before we part with this matter, we wish to make it clear that we do not appreciate the procedure adopted by the Bank in removing the vehicle from the possession of the writ petitioner. The practice of hiring recovery agents, who are musclemen, is deprecated and needs to be discouraged. The Bank should resort to procedure recognised by law to take possession of vehicles in cases where the borrower may have committed default in payment of the instalments instead of taking resort to strong-arm tactics.”

7. In **ICICI Bank Ltd. v. Shanti Devi Sharma** (supra 2), the Hon'ble Supreme Court while taking note of the guidelines issued by RBI dated 24.04.2008, made the following observations:

¹ (2007) 2 SCC 711

² (2008) 7 SCC 532

“17. We deem it appropriate to remind the banks and other financial institutions that we live in a civilised country and governed by the rule of law.”

8. The circular issued by the Reserve Bank of India bearing No.RBI/2022-23/108, DOR.ORG.REC.65/21.04.158/2022-23 dated 12.08.2022 is extracted below:

“RBI/2022-23/108
DOR.ORG.REC.65/21.04.158/2022-23 August 12, 2022

Madam/Sir,

Outsourcing of Financial Services - Responsibilities of regulated entities employing Recovery Agents

The Reserve Bank of India has from time to time advised regulated entities (REs) that the ultimate responsibility for their outsourced activities vests with them and they are, therefore, responsible for the actions of their service providers including Recovery Agents (hereafter referred to as ‘agents’).

2. It has been observed that the agents employed by REs have been deviating from the extant instructions governing the outsourcing of financial services. In view of concerns arising from the activities of these agents, it is advised that the REs shall strictly ensure that they or their agents do not resort to intimidation or harassment of any kind, either verbal or physical, against any person in their debt collection efforts, including acts intended to humiliate publicly or intrude upon

the privacy of the debtors' family members, referees and friends, sending inappropriate messages either on mobile or through social media, making threatening and/ or anonymous calls, persistently calling the borrower and/ or calling the borrower before 8:00 a.m. and after 7:00 p.m. for recovery of overdue loans, making false and misleading representations, etc.

3. The instructions contained in para 2 above shall supplement and be read in conjunction with the existing guidelines/directions issued by the Reserve Bank of India, as amended from time to time, including those tabulated in **Annex**.

4. Any violation in this regard by REs will be viewed seriously.

Applicability

5. This circular shall apply to the following REs:

- (a) All Commercial Banks (including Local Area Banks, Regional Rural Banks, and Small Finance Banks) excluding Payments Banks;
- (b) All All-India Financial Institutions (viz. Exim Bank, NABARD, NHB, SIDBI, and NaBFID);
- (c) All Non-Banking Financial Companies including Housing Finance Companies;
- (d) All Primary (Urban) Co-operative Banks, State Co-operative Banks, and District Central Co-operative Banks; and
- (e) All Asset Reconstruction Companies.

6. This circular shall not apply to microfinance loans covered under 'Master Direction - Reserve Bank of India (Regulatory Framework for Microfinance Loans) Directions, 2022', dated March 14, 2022.

Yours faithfully,

(Sunil T. S. Nair)
Chief General Manager”

9. This Court queried with learned counsel for the petitioners as to how the writ petitions are filed without there being any cause of action and also sought information as to the alleged incidents of intimidation and harassment by the recovery agents employed by various credit card companies and financial institutions.

10. Mr. Bonthu Lokesh Phanindra Reddy, learned counsel for the petitioners, submitted that there are several instances of intimidation; in some cases, the recovery agents have visited business premises of petitioners and in other cases, recovery agents physically entered the houses of the petitioners and abused them in filthy and vulgar language, and even messages were sent to the

mobile number through WhatsApp and Short Message Service (SMS).

11. Learned counsel fairly submitted that except averments made in paragraph No.6 of the writ affidavit, no acts of intimidation, harassment or humiliation are spelt out in the affidavit. It is however contended that recovery agents have been regularly visiting the houses/business premises of the petitioners and it is usual practice process followed by the recovery agents. Mr. Bonthu Lokesh Phanindra Reddy, learned counsel, and other learned counsel for the petitioners, in remaining cases also fairly stated that there are no specific instances of intimidation, harassment pleaded in the writ affidavits.

12. According to learned counsel as many as 400 writ petitions have been filed before this Court for the past more than one (1) year which demonstrate that recovery agents are indulging in unlawful acts, intimidating and harassing their customers by disregarding the guidelines issued by RBI *vide* circular dated 12.08.2022. Learned counsel submitted that Right to Life and Personal Liberty under

Article 21 of the Constitution of India cannot be denied to the petitioners merely because they are credit card or loan defaulters.

13. It needs to be noted that relief cannot be granted by this Court to a party for a mere asking unless there is a cause of action. The manner in which vague allegations of intimidation and harassment are made in all these writ affidavits without specific incidents of recovery agents physically or through mobile phone calls or messages indulging in such acts, it appears the petitioners have approached this Court in anticipation that recovery agents may come to their house or business premises one day or the other. A Civil Court or this Court, as the case may be, cannot pass orders which are anticipatory in nature, unless there is a cause of action. The petitioner in W.P. No.18634 of 2026 has availed credit facility from six (6) companies as mentioned in paragraph No.4 of the affidavit and is due to pay amounts totalling to Rs.1,37,860/- (Rupees one lakh thirty seven thousand eight hundred and sixty only). It is not the case of petitioners that each of the companies has employed recovery agents and such recovery agents have visited the

house of the petitioners or issued threatening messages or indulged in acts of humiliation or harassment.

14. It needs no emphasis if the petitioners are aggrieved by individual acts of recovery agents or financial institutions; they are always at liberty to report such incident before concerned Police Station. But even before any such alleged incident is reported to the concerned Police Stations, if these writ petitions are entertained in this manner, this Court is of the considered opinion, it would be difficult for the Banks and financial institutions to recover their debt amounts. Any intimidation in the form of physical or message to mobile phone or otherwise, no doubt, has to be condemned and is in contravention of the guidelines issued by RBI *vide* circular dated 12.08.2022. But all messages cannot be characterised as threatening or intimidating messages. There may be normal messages given to the customers reminding them to pay loan amounts. In fact paragraph No.2 of the RBI circular dated 12.08.2022 permits recovery agents to call the borrower before 08:00 A.M. and after 07:00 P.M. It is not as if all the messages are threatening messages. The mobile number, Aadhar card and other details are furnished by

the petitioners themselves at the time of taking loans or availing credit facility and to say that no calls or messages have to be made or sent to the petitioners at any point of time cannot be appreciated by this Court.

15. Petitioners cannot be allowed to have easy access to the Court just because allegations of violations of Right to Life and Personal Liberty are made without testing the veracity of such allegations and scrutinizing if the party has approached the Court with clean hands and there is a cause of action to seek relief before this Court. This Court has to consider whether cases filed are genuine or not and parties deserve to be granted relief.

16. It is astonishing to notice that some of the petitioners in this batch of writ petitions have as many as six (6) to ten (10) credit cards which is unusual. If parties approach Courts by defaulting payments to the credit card companies, it can be inferred that they are filing these cases for obvious reasons. It appears that these credit card companies are issuing cards to the customers without verifying their financial credentials. The credit history of the

parties, reason for having several credit cards, the purpose for which credit cards are utilized, the alleged acts of intimidation or harassment etc. are all relevant factors to be considered before any relief is granted to the petitioners. As otherwise, there is risk of all credit card companies facing huge financial losses and often being compelled to initiate money recovery action before Courts/forum which are long drawn and many times avoidable.

17. It is made clear this Court is not differing with the views expressed by the co-ordinate Benches of this Court in the orders passed in other writ petitions relied upon by the learned counsel for the petitioners. However, the same relief is not being granted here since these writ petitions are filed without specific cause of action.

18. If writ petitions are entertained without any cause of action, it will lead to a unhealthy practice and the parties will be encouraged to approach this Court even before recovery process is initiated. As can be seen many of the petitioners who approached this Court have debt amounts running into lakhs of rupees.

19. To say the least, the parties cannot abuse process of the Court unless there is a cause of action. A person alleging violation of fundamental or statutory right has to be fair to this Court. Unless he approaches this Court with clean hands equity jurisdiction under Article 226 of the Constitution of India cannot be invoked. Petitioners are warned not to abuse process of Court in future.

20. In view of the above observations, this Court is of the opinion that the petitioners have approached this Court without any cause of action and abused the process of Court. Considering that all the counsel appearing in these cases are young advocates, this Court takes a lenient view and decided not to impose any costs on the parties. It needs no mention that guidelines issued by RBI *vide* circular dated 12.08.2022 are applicable to all the Banks/Financial institutions and there is no point in reiterating the same in all the cases filed by the defaulting customers.

21. With the above observations, these writ petitions are disposed of. There shall be no order as to costs.

As a sequel thereto, miscellaneous applications, if any,
pending in these writ petitions stand closed.

B. VIJAYSEN REDDY, J

June 19, 2026

Note: (1) Issue CC in two (2) days

**(2) LR copy to be marked
(BO) MS**