APHC010055342026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

THURSDAY, THE 29th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 3193 OF 2026

Between:

1. MULINTI KISHORE KUMAR, S/o. M Prakash, Aged about years 40, R/o. 6-1-715, Kovur Nagar, Ananthapur, Andhra Pradesh 515002

...Petitioner

AND

1. THE RESERVE BANK OF INDIA, Rep. by its Chief General Manager, 6 Sansad Marg, New Delhi - 110001.

2. Axis Bank, Rep. by its Authorized Officer, No 1946, Subhash Rd, Saptagiri Circle, Kamalanagar Anantapur, Andhra Pradesh 515001

3. Bajaj Finance Limited, Rep. by its Authorized Officer, No 12/3/347, 3rd Floor, Ambedkar Bhavan, Sai Nagar Main Road Near SV Degree College, Anantapur - 515004

4. Slice Small Finance Bank Limited, Rep. by its Authorized Officer, 1st and 3rd Floor, Fortune Central, Basisthapur Byelane 3, Beltola Guwahati, Assam - 781028.

5. Early Salary Services Pvt Ltd, currently known as Fibe, Rep. by its Authorized Officer, Unit No. 404, The Chambers, Viman Nagar, Pune, Maharashtra - 411014.

6. Navi Finserv Ltd, Rep. by its Authorized Officer, 2nd Floor, Vaishnavi Tech Square, Iballur Village, Begur Hobli, Bengaluru, Karnataka - 560102.

7. Akara Capital Advisors Pvt Ltd, Rep. by its Authorized Officer,60, Second Floor, Arjun Nagar, Kotia Mubarakpur, New Delhi, Delhi - 110003.

8. Krazybee Services Pvt Ltd, Rep. by its Authorized Officer,3rd Floor, No. 128/9, Maruthi Sapphire, HAL Airport Road, Murugesh Palya, Bangalore, Karnataka - 560017.

9. Pay U Finance India Pvt Ltd, Rep. by its Authorized Officer, Wallace Towers, Second Floor, Crossing of Sahar Road, Vile Parle (East), Mumbai, Maharashtra 400057.

10. R K Bansal Finance Pvt Ltd, Rep. by its Authorized Officer, 8/9, Pusa Road, Block 8, WEA, Karol Bagh, New Delhi - 110005.

11. Yes Bank, Rep. by its Authorized Officer, Yes Bank House, Off Western Express Highway Santacruz East, Mumbai,Maharashtra - 400055.

12. SBI Cards Payments Services Pvt Ltd, Rep. by its Authorized Officer, SBI Local Head Office Building, 4th floor, 11, Parliament Street, New Delhi-110 001.

13. DBS Bank, Rep. by its Authorized Officer, Ground Floor, Nos. 11 and 12, Capitol Point, B.K.S. Marg, Connaught Place, New Delhi - 110001.

14. ICICI Bank, Rep. by its Authorized Officer, ICICI Bank Towers, Near Chakli Circle, Old Padra Road, Vadodara, Gujarat - 390007.

15. Indusind Bank Ltd, Rep. by its Authorized Officer, 2401, General Thimmayya Road, Cantonment, Pune - 411001, Maharashtra.

...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 (i) pass an order to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the coercive recovery actions of respondents 2 to 15 as illegal, arbitrary and unconstitutional (ii) direct the respondents to strictly adhere to the RBI Circular dated 12.08.2022 and restrain them from adopting any coercive recovery measures (iii) Direct the respondents to consider the representations dated 13.01.2026 submitted by the petitioner and grant reasonable time to regularise the accounts and (iv) pass

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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 direct the respondent banks and financial institutions, to refrain from adopting any coercive, intimidating or illegal recovery measures, including but not limited to making threatening phone calls, visiting the petitioners residence, or causing harassment to the petitioner and his family members, pending disposal of the above writ petition, and pass

Counsel for the Petitioner: THOTA ASHOK KUMAR

Counsel for the Respondents: VELIVELA VEERARAGHAVAIAH

Counsel for the Respondents: MANNAM VENKATA KRISHNA RAO

Counsel for the Respondents: DASAM DURGA SHIVA SAI

Counsel for the Respondents: CHALASANI AJAY KUMAR

Counsel for the Respondents: MUPPIRI SARAN

Counsel for the Respondents: KUNUKU RAJA SEKHAR

Counsel for the Respondents: C SUBODH

The Court made the following order:

This Writ Petition is filed questioning the action of the respondent Nos.2 to 15/banks in harassing the petitioner and his family members by sending loan recovery agents to the house of the petitioner, by making continuous phone calls and humiliating him in front of neighbours without following the guidelines issued by Reserve Bank of India vide Memo No.RBI/2022-23/108, dated 12.08.2022.

2. Heard Sri Thota Ashok Kumar, learned counsel for petitioner, Sri V.Kishna Rao Mannam, learned counsel for respondent No.1, Sri Velivela Veera Raghavaiah, learned counsel for respondent No.5, Sri Muppiri Saran, learned counsel for respondent No.6, Sri Chalasani Ajay Kumar, learned counsel for respondent No.12, Sri C.Subodh, learned counsel for respondent No.13 and Sri Kunuku Rajasekhar, learned counsel respondent No.14.

3. Perused the record and considered the submissions made by the learned counsel for the parties.

4. The Hon'ble Apex Court ***in ICICI Bank Ltd. V. Prakash Kaur and others***[1] has categorically held that the practice of hiring recovery agents, who are musclemen, is deprecated and needs to be discouraged. The Bank should resort to procedure recognized by law if the borrower has committed default in payment of the installments instead of taking resort to strong arm tactics. However, as the respondents contend that they never sent agents and they have an intention to follow law for recovery, there is no purpose in keeping the

[1] (2007) 2 SCC 711 n

writ petition pending, as such, this Court is inclined to dispose of the writ petition.

5. In view of the above, respondent Nos.2, 12, 14 and 15 should resort to procedure recognized by law if the borrower has committed default in payment of the installments instead of taking resort to strong arm tactics.

6. So far as respondent Nos. 3 to 11 & 13 are concerned, in **S. Shobha v. Muthoot Finance Ltd.**[2], the Hon'ble Supreme Court of India ruled that a writ petition under Article 226 of the Constitution is **not maintainable** against a private non-banking financial company (NBFC) or private commercial entities. Therefore, this writ petition filed against respondent nos. 3 to 11 & 13 is not maintainable and the petitioner is at liberty to pursue his remedies by approaching appropriate Forum.

7. Accordingly, the writ petition is ***disposed of.*** However, the respondent nos.2, 12, 14 and 15 are not precluded to take steps in accordance with law for recovery of money, if any, payable by the petitioner. Further, the petitioner is at liberty to approach appropriate Forum for getting his grievance redressed against respondent Nos. 3 to 11 & 13. There shall be no order as to costs.

As a sequel, miscellaneous applications, pending if any, shall stand closed.

JUSTICE RAVI CHEEMALAPATI

29.10.2026
MP

[2].**(2025 INSC 117)**

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Dated: 29.10.2026

MP