APHC010079802026

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: 4729 OF 2026

Between:

1. DASARI MEENAKSHI, D/O. Subba Rao, D.NO.7-51, Kunamaneni VariPalem, Gonugunta Village, Chimakurthi Mandal, Prakasam District, East Godavari, Andhra Pradesh-523226.

2. Dasari Supraja,, D/O. Subba Rao, D.NO.7-51,Kunamaneni Vari Palem, Gonugunta Village, Chimakurthi Mandal Prakasam District, East Godavari, Andhra Pradesh-523226.

...Petitioners

AND

1. UNION OF INDIA, rep by its Secretary, Ministry of Finance, Department of Expenditure, Room-No.74-B, New Delhi - 110001 (India).

2. The Reserve Bank of India, rep by its Executive Director, 2nd floor. Central Office Building, Bharat Singh Marg, Mumbai - 400019.

3. The YES BANK, rep by its Manager, Located in Mumbai, Corporate office address at Yes Bank Limited, Yes Bank House, Off Western Express Highway, Santacruz East, Mumbai, Maharashtra -400055.

4. The YES BANK, rep by Manager ,Located at Ground Floor, Ko Rise, 16/2961, Near VR College Road, Nellore -524001, Andhra Pradesh - 524001.

5. The YES BANK, rep by its Manager, KranthiAcrade, D-NO. 40-1- 6IB, Near Benz Circle, M.G Road, Vijayawada, Andhra Pradesh - 520010

...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 a Writ Order or direction particularly, one in the nature of a writ of Mandamus declaring the action of the Respondent Nos. 3 to5 , who are attempting to recover loan amounts from the petitioner by sending recovery agents to the petitioner's residence without adhering to the Circular issued by Respondent No.2, vide RBI/2022-23/108 DOR.ORG.REC.65/21.04.158/2022-23, dated 12.08.2022. is as illegal, arbitrary, and in violation of Articles 14 and 21 of the Constitution of India and also contrary to the Apex Court Judgment in ICICI Bank Ltd. vs. Prakash Kaur and Others (2007) 2 SCC 71, and consequently, direct Respondent Nos. 3 to 5 to immediately stop sending recovery agents to the petitioner's residence and to strictly adhere to the Circular issued by Respondent No. 2, vide RBI/2022- 23/108 DOR.ORG.REC.65/21.04.158/2022-23, dated 12.08.2022, while recovering any outstanding loans except due process of law and to 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 Respondent Nos.3 to 5 not to take any coercive steps against the petitioner, including sending recovery agents to the petitioner's residence for loan recovery and pass order or orders in accordance with the law pending disposal of the above writ petition and to pass

Counsel for the Petitioners: JADA SRAVAN KUMAR

Counsel for the Respondents: DEPUTY SOLICITOR GENERAL OF INDIA
Counsel for the Respondents: KUNUKU RAJA SEKHAR

Counsel for the Respondents: AMRUTHA BOPPUDI (CENTRAL GOVT COUNSEL)

Counsel for the Respondents: MANNAM VENKATESWARA RAO

The Court made the following order:

This Writ Petition is filed questioning the action of the respondent Nos.3 to 5 in harassing the petitioners and their family members by sending loan recovery agents to the house of the petitioners, by making continuous phone calls and humiliating them 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 Sanke Santhosh, learned counsel for the petitioner, Ms Amrutha Boppudi, learned Central Government Counsel appearing for respondent No.1, Sri Mannam Venkateswara Rao, learned standing counsel for respondent No.2 and Sri Kunuku Rajasekhar, learned counsel for respondent Nos.3 to 5.

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.3 to 5 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. Accordingly, the writ petition is ***disposed of.*** However, the respondent Nos.3 to 5 are not precluded to take steps in accordance with law for recovery of money, if any, payable by the petitioner. 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
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Dated: 29.10.2026

MP