APHC010170402025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3332]**
(Special Original Jurisdiction)

MONDAY, THE 12th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 9458/2025

Between:

1. PABBATHI RAVI SANKAR, S/O.NAGA SUBBARAO, MALE, AGE 41 YEARS, OCC BUSINESS, R/O.D.NO. 11-19-49, RAMIREDDYPETA, NARASARAOPETA, GUNTUR DISTRICT. ANDHRA PRADESH

...PETITIONER

AND

1. UNION OF INDIA, REP. ITS SECRETARY, MINISTRY OF FINANCE, JEEVAN DEEP BUILDING 3RD FLOOR, PARLIAMENT STREET, NEW DELHI-110001.
2. RESERVE BANK OF INDIA, REP. BY ITS GOVERNOR, SANSAD MARG, NEW DELHI - 110001.
3. THE AXIS BANK LTD, REP BY ITS AUTHORIZED OFFICER, D.NO.9-9-9 AND 9-9-10, BANK STREET,ARUNDELPET, NARASARAOPET 522 601,ANDHRA PRADESH.
4. THE CREDIT SAISON INDIA, REP BY ITS AUTHORIZED OFFICER, POLITHA SMART SOLUTIONS, 40-1-144, CORPORATE CENTER, MG ROAD, BRINDAVAN COLONY, VIJAYAWADA, ANDHRA PRADESH - 520010.
5. THE GODREJ CAPITAL LIMITED, REP BY ITS AUTHORIZED OFFICER, 201-A, 2ND FLOOR, SHANGRILA PLAZA, ROAD NO.2,BANJARA HILLS, HYDERABAD - 500034. TELANGANA

STATE.

6. YES BANK LTD, REP BY ITS AUTHORIZED OFFICER, YES BANK LTD,GROUND FLOOR, SATYA AKARSHA, T S NO. 2/5, DOOR NO. 5-87-32, LAKSHMIPURAM MAIN ROAD, GUNTUR,ANDHRA PRADESH 522007,

7. THE IIFL FINANCE LIMITED, REP BY ITS AUTHORIZED OFFICER, ZONAL OFFICE AT D.NO 40/L/79B, FLOOR,MG ROAD , NTR CIRCLE, PATAMATA, VIJAYAWADA BRANCH OFFICE AT D.NO 9/9/11, BANK STREET, ARUNDELPET, NARASARAOPETA, ANDHRA PRADESH 522601.

8. THE PRINCIPAL CAPITAL AND HOUSING FINANCE LIMITED, REP BY ITS AUTHORIZED OFFICER, ' 4/18/29, 1ST FLOOR P NO 1 AND 2, KORETIPADU, NEAR RING ROAD, CHANDRAMOULI NAGAR, GUNTUR, ANDHRA PRADESH 522007.

9. THE LENDING KART PVT LTD, REP BY ITS AUTHORIZED OFFICER, AHMEDABAD OFFICE, INDRAPRASTH BUSINESS PARK, 6TH FLOOR, MAKARBA, SEARKHEJ ROZA ROAD, MAKARBA AHMEDABAD - 380 051. GUJARAT.

10. THE POONAWALA FIN CROP, REP BY ITS AUTHORIZED OFFICER, 1ST FLOOR, SATYAVANI HEIGHTS, ARUNDELPET, DOOR NO 6-12-60, AND 6-12-63, FLAVING NEW DOOR NO 31-12-1020, GUNTUR, PN -522002.

11. THE HERO FINCORP LTD, REP BY ITS AUTHORIZED OFFICER, A-44, MOHAN CO-OPERATIVE INDUSTRIAL ESTATE, MATHURA ROAD, NEW DELHI - 110044.

12. THE TATA CAPITAL FINANCIAL SERVICES LTD, REP BY ITS AUTHORIZED OFFICER, HAVING ITS REGISTERED OFFICE AT 11TH FLOOR, TOWER A, PENINSULA BUSINESS PARK, GANPATRAO KADAM MARG,LOWER PAREL, MUMBAI-400013 AND HAVING ITS BRANCH OFFICE AT TCL GROUND FLOOR, 1-14-12/1, SATTINA PALLI ROAD, BERAM PET, NEAR VINAYAKA TEMPLE, NARASARAOPET, GUNTUR, ANDHRA PRADESH - 522601.

13. THE FED BANK FINANCIAL SERVICES LTD, REP BY ITS AUTHORIZED OFFICER, HAVING ITS BRANCH AT D.NO.26-26-18,

FIRST FLOOR, NRP ROAD, GANDHI NAGAR, VIJAYAWADA, ANDHRA PRADESH.

14. THE FINFLEX LTD, REP BY ITS AUTHORIZED OFFICER, REGD.OFF NO.LL9, 2ND FLOOR, GREENWAYS TOWERS, ST. MARY'S ROAD, ABHIRAMAPURAM, CHENNAI - 600018.

15. THE LDFCLTD, REP BY ITS AUTHORIZED OFFICER, REGISTERED OFFICE AT KRM TOWERS, 7TH FLOOR, NO. 1, FLARRINGTON ROAD, CHETPET, CHENNAI 600 031. HAVING ITS BRANCH OFFICE AT NO 7-2-60, GROUND FLOOR, OLD POLICE STATION ROAD, NEAR MARKET CENTER, OPPOSITE SHAMBASHIVE FURNITURE, VARAVAKATTA, NARASARAOPET, ANDHRA PRADESH - 522601.

16. THE ADITYA BIRLA FINANCE LTD, REP BY ITS AUTHORIZED OFFICER, INDIAN RAYON COMPOUND, VERAVAL - 362 266, GUJRAT.

...RESPONDENT(S):

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 tomay be pleased to issue appropriate Writ, Order or direction more particulalry one in the nature of WRIT OF MANDAMUS declaring the action of the Respondents 3 to 16 for resorting to illegal methods for recovery of amounts from the Petitioner without following due process of law as arbitrary, without Jurisdiction, exfacie illegal against Art. 19, 21 and 300-A of the Constitution of India and to direct the Respondents 1 and 2 to take appropriate action against the Respondents No.3 to 16 for violating the procedure of law for recovery of amounts due rom Petitioner by consequently restraining the Respondents 3 to 16 from resorting to any illegal methods for recovery of amounts from the Petitioner without following due process of law for recovery of the amounts due from the Petitioner and to pass such

IA NO: 1 OF 2025

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 may be pleased It is also just and necessary that this Hon'ble Court may be direct the Respondents No.3 to 16 not to resort to any illegal methods for recovery of amounts from the Petitioner without following due process of law

for recovery of the amounts due from the Petitioner; pending disposal of the above Writ Petition pending disposal of the above writ petition and to pass such

IA 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 pleased to grant leave by condoning the delay to the Petitioner/Respondent No. 6 in the Writ Petition No. 9458 of 2025 for filing the counter affidavit in the in the above writ petition and pass

Counsel for the Petitioner:

1. DEVALARAJU ANIL KUMAR

Counsel for the Respondent(S):

1. YADAVALLI RAMESH
2. S SATYANARAYANA MOORTHY
3. B M KRISHNA PATIBANDLA
4. TANUSHA VENKATA LAKSHMI KURAPATI
5. P RAJASEKHAR
6. KUNUKU RAJA SEKHAR
7.

The Court made the following:

ORDER

This Writ Petition is filed questioning the action of the respondent nos.3 to 26 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 Anilkumar Devalaraju, learned counsel for petitioner, Sri Kunuku Rajasekhar, learned Standing Counsel for respondent no.6, Sri Yadavalli Ramesh, learned counsel for respondent no.5, Sri Prabhala Rajasekhar, learned counsel for respondent nos.10 & 11, Sri P.B.K. Krishna, learned counsel for respondent no.16, Ms.RTanusha Venkata Lakshmi Kurapati, learned counsel for respondent no.4 and Sri S.Satyanarayana Moorthy, learned counsel for respondent no.2.

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

[1] (2007) 2 SCC 711 n

5. In view of the above, respondent banks should resort to procedure recognized by law if the borrower have committed default in payment of the installments instead of taking resort to strong arm tactics.

6. 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 private non-banking financial company (NBFC) 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 banks 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 private non-banking financial company (NBFC). There shall be no order as to costs.

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

JUSTICE RAVI CHEEMALAPATI

12th October, 2026
BRS

[2].(2025 INSC 117)