APHC010173672025

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: 9212/2025

Between:

1. VIJAYA KUMAR GOVINDHA, S/O.VENJIMAN, AGED 43 YEARS, R/0.14160/4,FF1, BHAGATH SINGH NAGAR,BHAGATH SINGH TOWER, AND STATUE,YANAMALAKUDURU, VIJAYAWADA, ANDHRA PRADESH-520007.

...PETITIONER

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.
3. THE KISETSU SAISON FINANCE INDIA PRIVATE LIMITED BRANCH IN ANDHRA PRADESH, REP BY ITS BRANCH MANAGER, O/O IKUSHAL, 4TH FLOOR, GAN TA ARCADE, 3RD LANE, DWARAKA NAGAR, VISAKHAPATNAM, ANDHRA PRADESH-530016.
4. THE BAJAJ FINANCE LTD, , REP BY ITS BRANCH MANAGER, O/O 32/9/17, MADHUMAHALAXMICHEMBERS, MOGHALRAJPURAM ROAD, JAMMICHETTU CENTER, SIDARTHA NAGAR, LABBIPET, VIJAYAWADA, NTR DISTRICT, ANDHRA PRADESH-520010.
5. THE YES BANK LTD, REP BY ITS BRANCH MANAGER, O/O

29/37/21, GROUND FLOOR, ELURU ROAD, DURGAAGRAHARAM, GOVERNORPETA, VIJAYAWADA, ANDHRA PRADESH-520002.

6. THE STATE BANK OF INDIA, REP BY ITS BRANCH MANAGER O/O BESIDE INDIAN POST OFFICE, KALESWARRAO MARKET, ONE TOWN, VIJAYAWADA, NTR DISTRICT, ANDHRA PRADESH.

7. THE DBS BANK, REP BY ITS BRANCH MANAGER, O/O 27-20-51, GROUND FLOOR, LAKSHMI RAM PLAZA, NEAR ELURU ROAD, CROSS, MUSEUM ROAD, GOVERNORPETA, VIJAYAWADA, NTR DISTRICT, ANDHRA PRADESH-520002.

8. THE AXIS BANK BRANCH, LOAN CENTER, REP BY ITS BRANCH MANAGER, O/O 30/22/79, SREE TOWERS STREET, ELURU ROAD, KOLLIPARA, SRIRAMULU, SEETHARAMAPURAM, VIJAYAWADA, NTR DISTRICT, ANDHRA PRADESH-520002 .

9. THE ICICI BANK, REP BY ITS BRANCH MANAGER, O/O 40-1-127-128 AND 129, MURALI CHAMBERS, MG ROAD, VIJAYAWADA, ANDHRA PRADESH-520010.

10. THE HDFC PVT LTD, REP BY ITS BRANCH MANAGER, O/O 1ST FLOOR, SRI FLARI TOWERS, 59A-1-5/1, BESIDES MARY STELLA COLLEGE, VIJAYAWADA. NTR DISTRICT, ANDHRA PRADESH-520008.

11. THE KOTAK MAHINDRA PVT LTD, REP BY ITS BRANCH MANAGER, O/O 40-1- 55/A, MG ROAD, OPP TO VARUN MOTORS, VIJAYAWADA, NTR DISTRICT, ANDHRA PRADESH-520010.

12. THE RBL BANK, REP BY ITS BRANCH MANAGER, O/O 40-5-1, TIKKIE ROAD, OPP. DV. MANOR, VIJAAYWADA, NTR DISTRICT, ANDHRA PRADESH-520010.

13. THE CRED PERSONAL LOAN, REP BY ITS MANAGER, O/O 100 FEET ROAD, 12TH MAIN, HAL 2ND STAGE, INDIRANAGAR, BANGALURU, KARNATAKA, INDIA-560038.

14. THE IDFC FIRST BANK, REP BY ITS BRANCH MANAGER, O/O 59-6-17, GROUND FLOOR, PUNNAIAH AND VAJRAMMA COMPLEX, KANCHUKOTAVARI STREET, NEARBY THE METROPOLITAN HOTEL, RAMACHANDRANAGAR, VIJAYAWADA, NTR DISTRICT,

ANDHRA PRADESH-520008.

15. THE INDUSLAND BANK, REP BY ITS BRANCH MANAGER, O/O GROUND FLOOR, LOTUS LAND MARK, PLOT NO. 8, BESIDE LOTUS LANDMARK, OPP TO ALLURISEETHARAMARAJU PARK. AYODHYA NAGAR, VIJAYAWADA, NTR DISTRICT, ANDHRA PRADESH-520008.

16. THE KISETSU SAISON FINANCE INDIA PRIVATE LIMITED, REP BY ITS CHIEF EXECUTIVE OFFICER, O/O 496/4, 2ND FLOOR, 10TH CROSS SADASHIVANAGAR, BANGALORE, BANGLORE KA 560080 IN.

17. THE BAJAJ FINANCE LTD, REP BY ITS CHIEF EXECUTIVE OFFICER, O/O 4TH FLOOR. BAJAJ FINSERY CORPORATE OFFICE, PUNE-AHMEDNAGAR ROAD, VIMAN NAGAR, PUNE-411014.

18. THE YES BANK LTD, REP BY ITS CHIEF EXECUTIVE OFFICER, O/O LEXINGTON TOWERS, TAVEREKERE MAIN ROAD, S.G. PALVA, BENGULURU KARNATAKA- 560029.

19. THE DBS BANK, REP BY ITS CHIEF EXECUTIVE OFFICER, O/O EXPRESEE TOWERS, DBS BANK INDIA LIMITED, GROUND FLOOR. MARIMANPOIMT, MUMBAI, MAHARASTRA-400021.

20. THE AXIS BANK BRANCH, REP BY ITS CHIEF EXECUTIVE OFFICER, O/O 82VW PLUS JX3, VIJAY COLONY, SHAKTI COLONY, DEHRADUN, UTTARAKHAND- 248001.

21. THE ICICI BANK, REP BY ITS CHIEF EXECUTIVE OFFICER, O/O ICICI BANK TOWERS, BANDRA-KURLA COMPLEX, MUMBAI-400051.

22. THE HDFC PVT LTD, REP BY ITS CHIEF EXECUTIVE OFFICER, O/O HDFC BANK LTD. MG TOWERS NO. 16, SARAKKI MAIN ROAD, MG GARDENS, JP NAGAR, 1ST PHASE, BANGALORE-560078.

23. THE RBL BANK, REP BY ITS CHIEF EXECUTIVE OFFICER, O/O ONE WORLS CENTER, TOWER 2B, 6TH FLOOR, 841, SENAPATI BAPAT MARG, LOWER PAREL (W), MUMBAI-400013.

24. THE CRED PERSONAL LOAN, REP BY ITS CHIEF EXECUTIVE OFFICER, 0/ON CRED, NO. 769, 770- AND 100-FEET ROAD, 12TH MAIN, HAL 2ND STAGE, INDIRANAGAR, BANGALORE-560038.

25. THE IDFC FIRST BANK, REP BY ITS CHIEF EXECUTIVE OFFICER, O/O THE SQUARE, C-61, G BLOCK, GROUND FLOOR TO 8TH FLOOR, BANDRA KURLA COMPLEX, BANDRA EAST, MUMBAI-400051.

26. THE INDUSLAND BANK, REP BY ITS CHIEF EXECUTIVE OFFICER, O/O 8TH FLOOR, TOWER 1, ONE INDBISCTR, 841, SENAPATIBAPAT MARG, ELPHINSTN ROAD (W), MUMBAI-400013.

...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 topleased 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 to 26, 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. Such actions are illegal, arbitrary, and in violation of Articles 14 and 21 of the Constitution of India and Consequently, direct Respondent Nos. 3 to 26 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 and to pass

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 pleased to direct Respondent Nos.3 to 26 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

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. 5 & 18 in the Writ Petition No. 9212 of 2025 for filing the counter affidavit in the in the above writ petition and pass

Counsel for the Petitioner:

1. JADA SRAVAN KUMAR

Counsel for the Respondent(S):

1. S SATYANARAYANA MOORTHY
2. TANUSHA VENKATA LAKSHMI KURAPATI
3. UMA MAHESH NAGAVARAPU
4. P RAJASEKHAR
5. VARAPRASAD NEPPALI
6. KUNUKU RAJA SEKHAR
7. KRISHNA RAO PARITALA
8.

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 Sri Jada Sravan Kumar, learned counsel for petitioner, Sri Krishna Rao paritala, learned counsel for respondent no.19, and Sri Kunuku

Rajasekhar, learned Standing Counsel for respondent no.8, Sri N.Vara Prasad, learned counsel for respondent no.12, Sri Prabhala Raja Sekhar, learned counsel for respondent no.4 & 17, Sri S.Satyanarayana Moorthy, learned counsel for respondent no.2, Sri Nagavarapu Uma Mahesh, learned counsel for respondent no.25, and Ms.Tanusha Venkata Lakshmi, learned counsel for respondent nos.3 &16.

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

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.

[1] (2007) 2 SCC 711 n

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 respondents/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 respondents/Private non-banking financial company (NFBC). 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)