APHC010240722025

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: 12557/2025

Between:

1. B SRINIVASULU, S/O B.SUBRAMANYAM NAIDU, AGED ABOUT 46 YEARS, OCC. BUSINESS, R/O D.NO.1-145/1,VELUR, PITCHATUR MANDAL, CHITTOOR DISTRICT.

...PETITIONER

AND

1. THE RESERVE BANK OF INDIA, REPRESENTED BY ITS GENERAL MANAGER (OMBUDSMAN) 6 SANSAD MARG, NEW DELHI - 110001
2. AXIS BANK LTD, REPRESENTED BY ITS CHIEF MANAGER, O/O NO.83, K T ROAD, TIRUPATI, TIRUPATI DISTRICT.
3. YES BANK, REPRESENTED BY ITS CHIEF MANAGER, O/O D.NO. 13-3-92 /A1, GROUND FLOOR, TILAK ROAD, TIRUPATI, TIRUPATI DISTRICT.
4. RBL BANK, REPRESENTED BY CHIEF MANAGER, O/O THE RATNAKAR BANK LTD, D NO. 231/2, PLOT NO. 87, PADMAVATHIPURAM, TIRUCHANOOR ROAD, TIRUPATI, TIRUPATI DISTRICT.
5. ICICI BANK, REP BY ITS MANAGER, O/O PLOT NO 156, NEW BALAJI COLONY AIR BYPASS ROAD, TIRUPATI, TIRUPATI DISTRICT.

6. STATE BANK OF INDIA, REPRESENTED BY ITS MANAGER, O/O 6-7-539 B, A K NILAYAM, HAREKRISHNA ROAD SRIPURAM COLONY, TIRUPATI, TIRUPATI DISTRICT.

7. KOTAK MAHINDRA BANK, REPRESENTED BY ITS MANGER, O/O D.NO.138 A, GROUND FLOOR, T K STREET, TIRUPATI, TIRUPATI DISTRICT.

8. HDFCBANK, REPRESENTED BY ITS MANAGER, O/OD.NO.19/8/180, 1ST FLOOR, KRISHNA TOWERS, 19TH WARD, AIR BYPASS ROAD, TIRUPATI, TIRUPATI DISTRICT.

...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 an appropriate writ, order or direction, more particularly a Writ in the nature of Mandamus,declaring the action of the Respondents No. 2 to 8 in utilizing unlawful recovery methods in violation of the Judgment of Hon'ble Apex Court in ICICI Bank Ltd. v. Prakash Kaur ((2007) 2 SCC 711) and in violation of guidelines issued by the 1st Respondent as illegal, arbitrary and sheer violation of Principles of Natural Justice and in violation of Articles 19 and 21 of the Constitution of India and to consequently direct the respondent no.2 to 8 to follow due process of law for any recovery against the petitioner and 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 Please to direct the respondent no.2 to 8 not to interfere with the petitioners place of residence and business and 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 May be pleased to grant leave by condoning the delay to the Petitioner/Respondent No. 8 in the Writ Petition No.12557 of 2025 for filing the counter affidavit in the in the above writ petition and pass

Counsel for the Petitioner:

1. SAI AKASH N

Counsel for the Respondent(S):

1. KUNUKU RAJA SEKHAR
2.
3. VENKATA RAMA RAO KOTA

ORDER

This Writ Petition is filed questioning the action of the respondent nos.3 to 8 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 n.Sai Akash, learned counsel for petitioner, Sri Venkata Rama Rao Kota, learned counsel for respondent no.6 Sri Kunuku Rajasekhar, learned Standing Counsel for respondent no.8/ bank.

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

[1] (2007) 2 SCC 711 n

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.

5. In view of the above, respondent nos.2 & 6 to 8 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. So far as respondent nos. 3 to 5 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 5 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 nos2 & 6 to 8 are not precluded to take steps in accordance with law for recovery of money, if any, payable by the petitioner. Further, the petitioner is

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

at liberty to approach appropriate Forum for getting his grievance redressed against respondent nos. 3 to 5. There shall be no order as to costs.

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

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JUSTICE RAVI CHEEMALAPATI

12th October, 2026

BRS