APHC010293952025

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: 14919/2025

Between:

1. DEEVI MANOHAR, S/O VEERA BHADRA CHARI, AGED ABOUT 36 YEARS, OCC UNEMPLOYEE, R/O 2-8A, EAST BAZAR, CHEEMALAPADU POST, A.KONDURU MANDAL, NTR DISTRICT, ANDHRA PRADESH - 521227.

...PETITIONER

AND

1. UNION OF INDIA, REP BY ITS SECRETARY MINISTRY OF FINANCE, DEPARTMENT OF EXPENDITURE, ROOM-NO74-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. HDFC BANK, REP BY IT'S MANAGER, HDFC BANK CARDS DIVISION, DOOR NO.94 SP, ESTATE BUS STAND, WAVIN MAIN ROAD, MOGAPPAIR WEST, CHENNAI-60058.
4. SBI CARD, REP BY IT'S MANAGER, SBI CARDS AND PAYMENT SERVICES LIMITED (SBI CARD), DLF CYBER CITY, TOWER C, BLOCK 2, BUILDING 3 DLF INFINITY TOWERS, 12TH FLOOR, GURUGRAM, H.R-122002.
5. ICICI BANK, REP BY IT'S MANAGER, ICICI BANK LTD, BANDRAKURLA COMPLEX, MUMBAI - 400051.

6. CRED APP, REP BY ITS MANAGER, NO.769 AND 770, 100 FEET ROAD, 12THMAIN, HAL 2ND STAGE, INDIRANAGAR, BANGALORE - 560038.

...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 issue an appropriate writ, order or direction particularly one in the nature of writ of Mandamus declaring the action of the Respondents 3 to 6 in trying to recover the loan amounts from the petitioner by sending Messages .Calling late nights and sending recovery agents to the residence of the petitioner without following Circular issued by the respondent no.2 vide RBI/202223/ 108 DCR CRG REC 65/ 21 04 158/202223dated 12.08.2022 as illegal, arbitrary and against Article 14, 19 and 21 of the Constitution of India and to consequently direct the Respondents Nos.3 to 6 to forth with stop sending Messages, Calling late nights and sending recovery agents to the Petitioner's residence and to duly follow Circular issued by the respondent no.2 vide RBI/202223/108 DCR CRG REC 65/ 21 04 158/202223 dated 12.08.2022 while recovering loans that may be due to them 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 direct the respondent no.3 to 6 not to take any coercive measures against the petitioner without following due process of law and mandatorily following Circular dated 12.08.2022 vide RBI/2022 23/108, DOR ORG REC 65/21 04 1 58/20222 issued by respondent no 2 pending disposal of the writ petition pending disposal of the above writ petition and to pass such

Counsel for the Petitioner:

1. MEDARA SIVA PRASAD

Counsel for the Respondent(S):

1. SATYA SREENIVASA RAO K
2. S SATYANARAYANA MOORTHY

3. BETHAPALLI SURYANARAYANA (CENTRAL GOVT COUNSEL)
4. VENKATA SIVA NAGARAJ BONKURI
5. CHALASANI AJAY KUMAR
6. KUNUKU RAJA SEKHAR

The Court made the following:

ORDER

This Writ Petition is filed questioning the action of the respondent nos.3 to 6 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 M.Siva Prasad, learned counsel for petitioner, Sri Chalasani Ajay Kumar, learned counsel for respondent no.4, Sri Kunuku Rajasekhar, learned counsel for respondent no.5, Sri Satya Sreenivasa Rao K., learned counsel for respondent no.6 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.

5. In view of the above, respondent no.3 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.4 to 6are 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. 4 to 6 is not maintainable and the petitioner is at liberty to pursue his remedies by approaching appropriate Forum.

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[1] (2007) 2 SCC 711 n
[2] .**(2025 INSC 117)**

7. Accordingly, the writ petition is ***disposed of.*** However, the respondent no. 3 is 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.4 to 6. 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