APHC010309662025

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: 15755/2025

Between:

1. PUTLURI BALAKRISHNA, S/O.P.PULLA REDDY MALE, AGE 32 YEARS, OCC EMPLOYEE, R/O.D.NO.41-21/4-20, BRAMARAMBAPURAM, KRISHNA LANKA, VIJAYAWADA. 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. STATE BANK OF INDIA, REP BY ITS AUTHORIZED OFFICER, BHAWAN, 4TH FLOOR, MADAME CAMA ROAD, MUMBAI-400 021.
4. AXIS BANK LTD, REP BY ITS AUTHORIZED OFFICER, AXIS HOUSE , BOMBAY DYEING MILLS COMPOUND, PANDURANG BUDHKAR MARG, WORLI, MUMBAI - 400 025.
5. THE DBS BANK INDIA LIMITED, REP BY ITS AUTHORIZED OFFICER, CORPORATE OFFICE, NARIMAN POINT, NEAR TRIDENT HOTEL, NARIMAN POINT, MUMBAI - 400021.

...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 5 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 No.l and 2 to take appropriate action against theb Respondents No.3 to 5 for violating the procedure of law for recovery of amounts due rom Petitioner by consequently restraining the Respondents 3 to 5 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

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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 may be pleased It is also just and necessary that this Hon'ble Court may be direct the Respondents No.3 to 5 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

Counsel for the Petitioner:

1. DEVALARAJU ANIL KUMAR

Counsel for the Respondent(S):

1. S SATYANARAYANA MOORTHY
2. MD SALEEM
3. KUNUKU RAJA SEKHAR
4.

ORDER

This Writ Petition is filed questioning the action of the respondent nos.3 to 5 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 Anilkumar Devalaraju, learned counsel for petitioner, Sri MD. Saleem, learned counsel for respondent no.3, Sri Kunuku Rajasekhar, learned counsel for respondent no.4, Sri Sa.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 nos.3 & 4 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 no.25 is 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 no. 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 nos.3 & 4 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 respondent no.5. 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)