APHC010314262025

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: 16016/2025

Between:

1. JINKA MOHAN KRISHNA, ,S/O JINKA LAKSHMI NARAYANA, AGED ABOUT 39 YEARS, OCC CLOTH BUSINESS, R/O 27/232,VASANTAPET,PRODDATUR, YSR KADAPA DISTRICT,ANDHARA PRADESH-516360.

...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-600058.
4. ICICI BANK, REP BY ITS MANAGER, ICICI BANK LTD, BANDRAKURLA COMPLEX, MUMBAI-400051.
5. AXIS BANK, REP BY IT'S MANAGER, CPU 1ST FLOOR, GIGAPLEX, PLOT.NO.L.T.5, MIDC, AIROLI KNOWLEDGE PARK, AIROLINAVI MUMBAI-400708.

6. RBL BANK, REP BY IT'S MANAGER, RBL BANK LTD, UNIT 306-311, 3RDFLOOR, JMDMEGAPOLIS, SOHNA ROAD, SECTOR-48,GURUGRAM-122018,HARYANA.

7. YES BANK, REP BY IT'S MANAGER, CREDIT CARD DIVISION, YES BANK LTD, TOWER C, 2ND FLOOR, KOSMO ONE, PLOT NO. 14, 3RD MAIN ROAD, AMBATTUR INDUSTRIAL ESTATE, AMABATTUR CHENNAI-60005.

8. CANARA BANK, REP BY IT'S MANAGER, CREDITS PREPAID CARD OPERATIONS SECTION, CREDITS PREPAID CARDS VERTICAL, TECHNOLOGY SERVICES WING, HO,NO.35 ISTFLOOR, DEVANGATOWER, K G ROAD, BENGALURU, KARNATAKA-560009.

9. SBI, 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,HR-122002.

10. ADITYA BIRLA FINANCE LTD, REP BY IT'S MANAGER, ONE INDIA BULLS CENTRE, TOWER 1-C, 18TH FLOOR, 841, JUPITER MILL COMPOUND, SENAPATIBAPAT MARG, ELPHINSTONE ROAD, MUMBAI-400013.

11. PREFR, REP BY IT'S MANAGER, HITECH CITY, HYDERABAD, TELANGANA-500081.

12. IDFC FIRST BANK, REP BY IT'S MANAGER, KRM TOWERS, 7TH FLOOR, NO.1, HARRINGTON ROAD CHETPET,CHENNAI-600031.

13. HERO FINCORP LTD, REP BY IT'S MANAGER, A-4, MOHAN CO-OPERATIVE INDUSTRIAL ESTATE, NEAR MOHAN ESTATE METRO STATION, MATHURA ROAD, NEW DEHLI-110044-LNDIA

14. BAJAJ FINANCE LTD, REP BY IT'S MANAGER, 4TH FLOOR BAJAJ FINSERVE CORPORATE OFFICE, OFF PUNE-AHMENAGARROAD, VIMAN NAGAR, PUNE-411014.

...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 an appropriate writ, order or direction particularly one in the nature of writ of Mandamus declaring the action of the Respondents 3 to 14 in trying to recover the loan amounts from the petitioner by sending recovery agents to the residence and Office of the petitioner without following Circular issued by the respondent no.2 vide RBI/202223/ 108 DOR ORG 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 14 to forth with stopthe sending recovery agents to the Petitioner's residence and to duly follow Circular issued by the respondent no.2 vide RBI/202223/108 DOR ORG REC 65/ 21 04 158/202223 dated 12.08.2022 while recovering loans that may be due to them 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 to direct the respondent no.3 to 14 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. S SATYANARAYANA MOORTHY
2. B M KRISHNA PATIBANDLA
3. DASAM DURGA SHIVA SAI
4. CHALASANI AJAY KUMAR
5. P RAJASEKHAR

6. KUNUKU RAJA SEKHAR

7.

ORDER

This Writ Petition is filed questioning the action of the respondent nos.3 to 14 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 Kunuku Rajasekhar, learned counsel for respondent nos.4 & 7, Sri Prabhala Raja Seklhar, learned counsel for respondent no.13, Sri Dasam Durga Shiva Sai, learned counsel for respondent no.14, Sri Chalasani Ajay Kumar, learned counsel for respondent nos.3 & 9, Sri P.B.M.Krishna, learned counsel for respondent no.10 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,

[1] (2007) 2 SCC 711 n

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 nos.3 to 5, 8 & 9 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. 6,7 & 10 to 14 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.6,7 & 10 to 14 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 to 5, 8 & 9 are not precluded to take steps in accordance with law for

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

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.6,7 & 10 to 14. 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

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