APHC010334572024

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

THURSDAY, THE 29th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 17015 OF 2024

Between:

1. PONDURU PARDHA SARADHY, S/o. Late P T Nagaraju Aged 56 years, presently working as Assistant Accounts Officer, (Training Institute - AP GENCO), Dr N T T P S, Ibrahimpatnam, Vijayawada 521 456. R/o. Door No. 8-1-24, Brahmin Street, Kovur Village Kovur Mandal, SPSR Nellore District.

...Petitioner

AND

1. UNION OF INDIA, Rep by its Secretary, Finance Department, New Delhi.

2. Bajaj Finserve Bank, Door No. 32-36-9-17, 2nd floor, Madhu Mahalakshmi Chamber, Jemmishetty Center, Mogalrajapuram, Christurajapuram, Vijayawada.

3. Fullerton SMFG India Credit Company Ltd, Srinivasam, Door No. 39-9-8, 1st and 2nd floors. Temple Street Labbipet, Vijayawada.

4. Aixs Bank, 1st Floor, Door No. 39-10-2019, Veterinary Hospital Road, Labbipet, Vijayawada.

5. Piramal Capital Housing Finance Limited, near Radio Station Opposite, Vijayawada.

6. HDFC Bank, Rep by its Branch Manager, Retail Loan Service Centre, Door No. 40-1-129, 1st Floor, Near Benj Circle, M G Road, Vijayawada NTR District

7. Yes Bank, Benz Circle, Vijayawada Town, Vijayawada.

8. The Station House Officer, Ibrahimpatnam Police Station, Vijayawada.

...Respondents

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 to issued a writ, order or direction more particularly one in the nature of Writ of Mandamus, to declare the acts on the part of the respondents 2 to 7 herein without following due process of law by in sending their alleged collection agents / field assistants, pressuring the petitioner to pay installments regularly failing which the petitioner will face dire consequences, amounts to erroneous, arbitrary and violative of Articles 14 and 21 of the Constitution of India, besides being principles of natural justice and contrary to the guidelines as envisaged by the RBI from time to time and consequently direct the respondents 2 to 7 not to interfere with the petitioners life and liberty by send their persons relating to Loan Account No. P409PG16881516 of respondent No.2, 03302211338367 of respondent No. 3,P456PLA00071245 respondent No.4, PLSA0002ADFS respondent No.5,138832872 respondent No.6, and respondent No.7 PLN012401480574 in the interest of justice and to pass

IA NO: 1 OF 2024

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 to direct the respondents 2 to 7 not to interfere the petitioner's life and liberty by send their persons relating to Loan Account Nos. P409PG16881516 of respondent No.2, 03302211338367 of respondent No. 3,P456PLA00071245 respondent No.4, PLSA0002ADFS of respondent No.5,138832872 respondent No.6, and respondent No.7, PLNO12401480574 pending disposal of the above writ petition in the interest of justice 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 to grant leave by condoning the delay to the Petitioner/Respondent No. 6 in the Writ Petition No.17015 of 2025 for filing the counter affidavit in the in the above writ petition and pass

Counsel for the Petitioner: A BALA BARATHI

Counsel for the Respondents: GP FOR HOME

Counsel for the Respondents: TENEPALLI NIRANJAN (SC FOR CENT GOVT))

Counsel for the Respondents: P RAJASEKHAR

Counsel for the Respondents: KUNUKU RAJA SEKHAR

Counsel for the Respondents: POOJITHA PAREPALLI

The Court made the following order:

This Writ Petition is filed questioning the action of the respondent Nos.2 to 7 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. When the matter is taken up for consideration, there is no representation for the petitioner.

3. Heard Sri T.Niranjan, learned Central Government Counsel appearing for respondent No.1, Sri Prabhala Raja Sekhar, learned counsel for respondent No.2, Ms Poojitha Parepalli, learned counsel for respondent No.3, Ms Bhairavi, learned counsel for respondent No.4, Sri Kunuku Rajasekhar, learned counsel for respondent Nos.6 & 7 and learned Assistant Government Pleader for Home Department appearing for respondent No.8.

3. Perused the record and considered the submissions made by the learned counsel for the respondents.

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

[1] (2007) 2 SCC 711 n

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.4 and 6 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.

6. So far as respondent Nos.2, 3, 5 & 7 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.2, 3, 5 & 7 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.4 and 6 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 Nos.2, 3 5 & 7. There shall be no order as to costs.

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

JUSTICE RAVI CHEEMALAPATI

29.10.2026
MP

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

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THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

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Dated: 29.10.2026

MP