APHC010334772024

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: 17028 OF 2024

Between:

1. T BABU, S/o. Thimmappa, Aged about 38 years, R/o.SC Colony, Muddanapalli post, Ramakuppam Mandal, Chittoor District.

...Petitioner

AND

1. RESERVE BANK OF INDIA, Main Building, P.O.Box 901, Shahid Bhagat Singh Road, Mumbai 400 001, Rep. by its Chief General Manager

2. ICICI Bank Ltd, Ground Floor, Shoba Pearl, Commissariat Road, Opposite MG Road, Bengaluru, Karnataka. Rep. by its Chief Manager.

3. Axis Bank Limited, Flat No.416, Building B-5, Eden Garden, Housing Society, Viman Nagar, Pune. Rep. by its Chief Manager.

4. Bajaj Finance, Nariman Point, Mumbai, Rep. by its Chief Manager.

...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 issue a writ of mandamus or any other appropriate writ or direction declaring the action of the respondents 2 to 4 and their agents in resorting to intimidation and harassment by verbal, adoption of abusive practices against the petitioner in the process of debt collection without following the guidelines

of 1st respondent prescribed in Master Circular RBI/2014-15DBOD No Dir.BC.16/13.03.00/2014-15, dt 01-07-2014 as illegal, arbitration and violation of Article 21 of Constitution of India and consequently direct the 1st respondent to ensure that respondents 2 to 4 and their agents engaged for recovery of the dues should strictly adhere to the guidelines issued by the 1st respondent and 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 restrain the respondents in resorting to intimidation and harassment by verbal, adoption of abusive practices against the petitioner in the process of debt collection during pendency of the Writ petition 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 to grant leave by condoning the delay to the Petitioner/Respondent No. 2 in the Writ Petition No. 17028 of 2024 for filing the counter affidavit in the in the above writ petition and pass

Counsel for the Petitioner: C SUBODH

Counsel for the Respondents: MANNAM VENKATA KRISHNA RAO

Counsel for the Respondents: P RAJASEKHAR

Counsel for the Respondents: KUNUKU RAJA SEKHAR

The Court made the following order:

This Writ Petition is filed questioning the action of the respondent Nos.2 to 4 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 C.Subodh, learned counsel for the petitioner, Sri V.Krishna Rao Mannam, learned counsel for respondent No.1, Sri Kunuku Rajasekhar, learned counsel for respondent Nos.2 & 3 and Sri Prabhala Raja Sekhar, learned counsel for respondent No.4.

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 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 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.2 and 3 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 No.4 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.4 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.2 and 3 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.4. 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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Dated: 29.10.2026

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