APHC010404212024

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: 20603 OF 2024

Between:

1. PERURI VIJAYA KUMAR, S/o. Peruri Satyanarayana (Late), Aged about 40 years, Occ- Business, R/o. D.No.8-51, PanchaytVeedhi, Near ZPH School, Rajula Toorangi, Kakinada (Urban), Kakinada District, Andhra Pradesh

...Petitioner

AND

1. UNION OF INDIA, rep by its secretary ministry of Finance, Department of ExpenditureRoom-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. ICICI Bank, rep by its Chief Manager, ICICI Bank,Office-ICICI Bank Towers, Bandra- Kurla Complex, Mumbai 400 051.

4. Axis Bank, Rep by its Chief Manager, One World Centre, Tower 1, 18th Floor, Jupiter Mill Compound, 841 S B Marg, Elphinstone Road, Mumbai - 400013.

5. HDFC Bank, rep by its Chief Manager, HDFC House, H.T. Parekh Marg, 165166, Back Bay Reclamation, Church Gate, Mumbai, Maharashtra-400020.

6. Yes Bank, rep by its Chief Manager, YES BANK House, Off Western Express Highway, Santacruz East, Mumbai, Maharashtra, 400055.

7. Adtiya Birla Finance Ltd, Rep by itsManaging Director, One World Centre, Tower 1, 18th Floor, Jupiter Mill Compound, 841 S B Marg, Elphinstone Road, Mumbai - 400013.

8. SMFG India Credit Co Ltd, (Formerly Fullerton India Credit Co. Ltd) rep by its Chief Executive Officer and Managing Director, Megh Towers 3rd Floor Old No 307, New No 165, Poonamallee, High Road, Maduravoyal, Chennai, Tamil Nadu.

...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 an appropriate writ, order or direction particularly one in the nature of writ of Mandamus declaring the action of the Respondents 3 to 8 in trying to recover the loan amounts from the petitioner by sending recovery agents to the residence 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 8 to forth with stop 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

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 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 above writ petition and to pass

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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 to grant leave by condoning the delay to the Petitioner/Respondent No. 3 in the Writ Petition No. 20603 of 2024 for filing the counter affidavit in the in the above writ petition and pass

Counsel for the Petitioner: KOTA KRISHNA DEEPTHI

Counsel for the Respondents: S SATYANARAYANA MOORTHY

Counsel for the Respondents: B M KRISHNA PATIBANDLA

Counsel for the Respondents: KUNUKU RAJA SEKHAR

Counsel for the Respondents: Counsel for the Respondents: M P KASHYAP

The Court made the following order:

This Writ Petition is filed questioning the action of the respondent Nos.3 to 8 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 Ms Kota Krishna Deepthi, learned counsel for the petitioner, Sri S.Satyanarayana Moorthy, learned counsel for respondent No.2, Sri Kunuku Rajasekhar, learned counsel for respondent Nos.3, 4 & 6, Dr.M.P.Kashyap, learned counsel for respondent No.5, and Sri P.B.M.Krishna, learned counsel for respondent No.7.

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

[1] (2007) 2 SCC 711 n

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 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.7 and 8 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.7 and 8 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 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.7 and 8. 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