APHC010492032024

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: 25572 OF 2024

Between:

1. PERABATTULA KAMALAKAR, S/o. P. Rambabu, Aged. 32 years, Occ. Business, R/o. H.No. C-8-65/4, FF-2, Sri Sai Nilayam, Beside St. Anns School, Vijayawada Rural, Krishna District, A.P. - 521108.

...Petitioner

AND

1. THE UNION OF INDIA, Rep. by its Secretary, Ministry of Finance, New Delhi.

2. The Reserve Bank of India, Rep. by its Chief General Manager, 6, Sansad Marg, New Delhi - 110001.

3. The Station House Officer, Patamata Police Station, Vijayawada, NTR District, Andhra Pradesh.

4. Kotak Mahindra Bank Ltd, Rep. by its Chief Manager, C 27, G Block, Bandra Kurla Complex, Bandra (E), Mumbai - 400051.

5. Axis Bank, Rep. by its Chief Manager, SN 52, CS No.1331, Nathani Heights, Dalai Estate, Mumbai, Maharashtra - 400008.

6. ICICI Bank, Rep. by its Chief Manager, C-59, Bandra Kurla Complex, Bandra East, Mumbai, Maharashtra - 400051.

7. RBL Bank Ltd, Rep. by its Chief Manager, One World Center, Tower 2B, 6th Floor, 841, Senapati Bapat Marg, Lower Parel, Mumbai - 400013.

8. Navi Finance, Rep. by its Chief Manager, AMR Tech Park, GF, Hongasandra Village, Hosur Road, Bengaluru, Karnataka - 5600068.

9. Bajaj Finance, Rep. by its Chief Manager, 6th Floor, Bajaj Finserv Corporate Office, Pune-Ahmednagar Road, Viman Nagar,, Pune, Maharashtra -411014.

10. One 97 Communications PAYTM, Rep. by its Chief Manager, One Skymark, Floor No.6th to 22nd, Tower - D, Plot No.H-lOB, Sector - 98, Noida-201304

...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 order, writ or direction, more particularly one in the nature of Writ of Mandamus. Declaring the action of the respondent nos.4 to 10 in high handedly, arbitrarily and illegally trying to recover the amounts from the petitioner and respondents not following the Circular dated. 12.08.2022 vide RBI/2022- 23/108, DOR.ORG.REC.65/21.04.15/2022-23 issued by respondent no.2 or any due process of law and the inaction of the respondent no.2 to legitimately protect the interest of the petitioner by duly enforcing Circular RBI/2022-23/108,dated. 12.08.2022 vide DOR.ORG.REC.65/21.04.15/2022-23 illegal as arbitrary and unconstitutional for violating Article 14, 19 and 21 of the Constitution of India. 2. Direct the respondent nos.4 to 10 to follow Circular RBI/2022-23/108,dated. 12.08.2022 vide DOR.ORG.REC.65/21.04.15/2022-23 issued by respondent no.2. 3. Direct the respondent no.2 to duly enforce the Circular vide RBI/2022-23/108,dated. 12.08.2022 DOR.ORG.REC.65/21.04.15/2022-23 to protect the interests of the petitioner against the respondent nos.4 to 10. Direct the respondent no.2 to take stringent action against the errant official of the respondent nos.4 to 10 in unlawfully, illegally and arbitrarily taking to recover the amounts from petitioner without following any due process of law, 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 direct the respondent nos.4 to 10 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.65/21.04.15/2022-23 issued by respondent no.2 pending disposal of the writ petition and pass

Counsel for the Petitioner: RAMINENI SATISH BABU

Counsel for the Respondents: GP FOR HOME

Counsel for the Respondents: SAI GANGADHAR CHAMARTY

Counsel for the Respondents: P RAJASEKHAR

Counsel for the Respondents: VARAPRASAD NEPPALI

Counsel for the Respondents: KUNUKU RAJA SEKHAR

Counsel for the Respondents:

The Court made the following order:

This Writ Petition is filed questioning the action of the respondent Nos.4 to 10 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 Ramineni Satish Babu, learned counsel for petitioner, Sri B.Appa Rao, learned Senior Panel counsel appearing for respondent No.1, Sri Sai Gangadhar Chamarthy, learned counsel for respondent No.4, Sri Kunuku Rajasekhar, learned counsel for respondent No.5, Sri N.Vara Prasad, Sri S.Rama Krishna and Sri K.Raj Kumar, learned counsel for respondent No.7 and Sri Prabhala Raja Sekhar, learned counsel for respondent No.9.

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.

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[1] (2007) 2 SCC 711 n

5. In view of the above, respondent Nos.5 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.4, 7 to 10 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.4, 7 to 10 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.5 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.4, 7 to 10. 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)**

112

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 25572 OF 2024

Dated: 29.10.2026

MP