APHC010549812025

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: 28419/2025

Between:

1. AYINAMPUDI VENKATA MUNEENDRA, S/O. A. SRINIVASARAO, AGED-34 YEARS, OCC- PVT. EMPLOYEE, R/O. H.NO- 1-148, RAMALAYAM VEEDHI GOWRIPATNAM, WEST GODAVARI, ANDHRA PRADESH - 534313

...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. SBI CREDIT CARD, REP. BY ITS MANAGER, DLF INFINITY TOWER, TOWER C, 12TH FLOOR. BLOCK 2, BUILDING 3, DLF CYBER CITY, GURGAON - 122002.
4. HDFC BANK, REP. BY ITS BANK MANAGER, D.NO- 6/67/13, SRI SURYA COMPLEX, NH-5, GAJUWAKA, VISAKHAPATNAM - 530026.
5. HDFC CREDIT CARDS DIVISION, REP. BY ITS MANAGER, PO BOX 8654, LATTICE BRIDGE ROAD TIRUVANMIYUR, CHENNAI - 600041
6. BAJAJ FINANCE, REP. BY ITS BANK MANAGER, D.NO- 7/6/36/1/1, 1ST FLOOR, WARD NO.60, MMTC COLONY, OLD GAJUWAKA,

VISAKHAPATNAM - 530026.

7. FIBE, REP. BY ITS CHIEF MANAGER, 404, SAMRAT CHOW, VIMAN NAGAR ROAD, PUNE, MAHARASHTRA - 411014.

8. AXIS BANK, REP. BY ITS CHIEF MANAGER, SN 52, CS NO.1331, NATHANI HEIGHTS, DALAI ESTATE, MUMBAI, MAHARASHTRA - 400008.

9. KOTAK MAHINDRA BANK LTD, REP. BY ITS CHIEF MANAGER, C 27, G BLOCK, BANDRA KURLA COMPLEX, BANDRA (E), MUMBAI - 400051.

10. ONE CREDIT CARD, REP. BY ITS MANAGER, ONE HQ, SURVEY NO.127, SEASONS ROAD, AUNDH, PUNE, MAHARASHTRA - 411007.

11. ICICI BANK, REP. BY ITS CHIEF MANAGER, C-59, BANDRA KURLA COMPLEX, BANDRA EAST, MUMBAI, MAHARASHTRA - 400051.

12. INDUSIND CREDIT CARD, REP. BY ITS MANAGER, TOWER 1, ONE INDIA BULLS CENTER, SB MARG, ELPHINSTONE, MUMBAI - 400013.

13. RBL BANK LTD, REP. BY ITS CHIEF MANAGER, ONE WORLD CENTER, TOWER 2B, 6TH FLOOR, 841, SENAPATI BAPAT MARG, LOWER PAREL MUMBAI -400013.

14. BAJAJ DBS BANK, REP. BY ITS MANAGER, NO.32/9/17, MADHU MAHALAXMI CHAMBERS, MOGALRAJAPURAM, VIJAYAWADA - 520010.

15. THE ICICI CREDIT CARD, REP. BY ITS BRANCH MANAGER, ICICI BANK TOWER,7TH FLOOR, PLOT NO. 12, NANAKRAMGUDA, SERILINGAMPALLY, HYDERABAD- 500032.

16. IDFC FIRST BANK, REP. BY ITS MANAGER, THE SQUARE, C-61, G BLOCK, BANDRA KURLA COMPLEX, BANDRA EAST, MUMBAI - 400051.

17. YES BANK CREDIT CARD, REP. BY ITS MANAGER, YES BANK TOWER, IFC 2, 15THFLOOR, SENAPATI BAPAT MARG,

ELPHINSTONE (W) MUMBAI -400013.

...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 topleased to issue Writ, Order or Direction more particularly one in the nature of Writ of Mandamus 1 Declaring the action of the respondent nos.3 to 17 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 dated 12.08.2022 vide RBI/2022-23/108, DOR.ORG.REC.65/21.04.15/2022-23 as illegal, arbitrary and unconstitutional for violating Article 14, 19 and 21 of the Constitution of India. 2. Direct the respondent nos.3 to 17 to follow Circular dated 12.08.2022 vide RBI/2022-23/108, 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 dated 12.08.2022 vide RBI/2022-23/108, DOR.ORG.REC.65/21.04.15/2022- 23 to protect the interests of the petitioner against the respondent nos.3 to 17. 4 Direct the respondent no.2 to take stringent action against the errant official of the respondent nos.3 to 17 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 2025

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 pleased to direct the respondent nos.3 to 17 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:

1. RAMINENI SATISH BABU

Counsel for the Respondent(S):

1. S SATYANARAYANA MOORTHY
2. VELIVELA VEERARAGHAVAIAH
3. DASAM DURGA SHIVA SAI
4. RITHVIKA KOGANTI
5. CHALASANI AJAY KUMAR
6. VARAPRASAD NEPPALI
7. KUNUKU RAJA SEKHAR
8.
9. S MURALI MOHAN

ORDER

This Writ Petition is filed questioning the action of the respondent nos.3 to 17 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 Ramineni Satish Babu, learned counsel for petitioner, Sri Velivela Veera Raghavaiah, learned counsel for respondent no.7, Sri Kunuku Rajasekhar, learned counsel for respondent no.11, Sri Tiothvika Koganti, learned counsel for respondent no.10, Sri Chalasani Ajay Kumar, learned counsel for respondent nos. 3, 4 & 5, Sri Satuluri Murali Mohan, learned counsel for respondent no.16, Sri N.Vara Prasad, learned counsel for

respondent nos. 12 and 13, 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, 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 6, 8,11, 12 & 15 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. 7, 9, 10,13,14,16 & 17 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

[1] (2007) 2 SCC 711 n
[2] .**(2025 INSC 117)**

private commercial entities. Therefore, this writ petition filed against respondent nos.7,9,10,13,14,16 & 17 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, 8,11,12 & 15 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.7,9,10,13,14,16 and 17. 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

BRS