APHC010584032025

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: 30314/2025

Between:

1. YALAMACHILI JAHNAVI, D/O NARENDRA BABU AGED ABOUT 31 YEARS, R/O D.NO. 74-14-65, MEGA TOWNSHIP, NEW RTC COLONY, PATAMATA, VIJAYAWADA (URBAN), ANDHRA PRADESH - 520007.

...PETITIONER

AND

1. RESERVE BANK OF INDIA, REP.BY ITS AUTHORIZED OFFICER CENTRAL OFFICE BUILDING, SHAHID BHAGAT SINGH ROAD, MUMBAI -400001.
2. THE BRANCH MANAGER, AXIS BANK LTD. - RETAIL ASSET CENTRE (RAC) D.NO. 43-9-141, SRI GAYATRI TOWERS, 4TH FLOOR, SRI KANYA MAIN ROAD, DONDAPARTHY VISAKHAPATNAM, ANDHRA PRADESH - 530016.
3. THE SUPERINTENDENT OF POLICE, KRISHNA DISTRICT DISTRICT POLICE OFFICE, LAKSHMI TALKIES CENTRE MACHILIPATNAM, KRISHNA DISTRICT-521001.
4. THE STATION HOUSE OFFICER, PENAMALURU POLICE STATION, KANURU MAIN ROAD, ASHOK NAGAR A.P. 520007.

...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 a writ, order or direction, more particularly one in

the nature of WRIT OF MANDAMUS a. Declare the action of the 2nd Respondent and its recovery agents in threatening and intimidating the petitioner and his family members for non-payment of certain EM Is related Personal Loan A/c No. PPR007510532363 under the guise of recovery as illegal, arbitrary and violative of Articles 14 and 21 of the Constitution of India, and also contrary to the RBI Fair Practices Code, And also Direct the 2nd Respondent to consider the petitioners representation dated 13.10.2025 in accordance with law as per the established procedure b. And also Direct the 3rd and 4th Respondents to initiate necessary actions as per report dated 13.10.2025 lodged by the Petitioner ensure that no coercive steps or harassment are caused to the petitioner and his family by the 2nd Respondent or its recovery agents c. Pass interim orders restraining the 2nd Respondent and its agents from visiting the petitioners residence or making any threatening calls or acts of intimidation pending disposal of this writ petition d. 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 grant an interim direction restraining the 2nd Respondent, its officials, agents, or any persons acting on its behalf, from initiating or taking any coercive steps against the Petitioner and his family members, including through alleged recovery agents, in connection with the recovery of instalments covered under Personal Loan A/c No. PPR007510532363 and pass

Counsel for the Petitioner:

1. SATYA SREENIVASA RAO K

Counsel for the Respondent(S):

1. GP FOR HOME
2. KUNUKU RAJA SEKHAR
3.

The Court made the following:

ORDER

This Writ Petition is filed questioning the action of the respondent no.2 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 Satya Sreenivasa Rao, learned counsel for petitioner, Sri Kunuku Rajasekhar, learned Standing Counsel for respondent no.2 and learned Government Pleader for Home for respondent nos. 3 & 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 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.

[1] (2007) 2 SCC 711 n

5. In view of the above, respondent no.2 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. Accordingly, the writ petition is ***disposed of.*** However, the respondent no.2 is not precluded to take steps in accordance with law for recovery of money, if any, payable by the petitioner. 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
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