APHC010634122025

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: 32800/2025

Between:

1. DR PASALA VEERA PRATHYUSHA, W/O. MADHU ASHOK KUMAR DESHA, AGED ABOUT 34 YEARS, D-NO. 1-7, RADHAKRISHNA WAREHOUSE, ONTIVELAGALA, GOSPADU, NANDYAL DIST, ANDHRA PRADESH- 518674.
2. DR. MADHU ASHOK KUMAR DESHA, S/O. LATE. DESHA KRISHNUDU, AGED ABOUT 37 YEARS, D-NO. D-NO. 1-7, RADHAKRISHNA WAREHOUSE, ONTIVELAGALA, GOSPADU, NANDYAL DIST, ANDHRA PRADESH- 518674.

...PETITIONER(S)

AND

1. UNION OF INDIA, REP BY ITS SECRETARY, MINISTRY OF FINANCE, DEPARTMENTOF EXPENDITURE, ROOM NO. 74-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 LIMITED, REP BY ITS MANAGER, C/O. NO.32, CASA MAJOR ROAD, EGMORE, CHENNAI, TAMIL NADU-600008.
4. ICICI BANK LIMITED, REP BY ITS BRANCH MANAGER, KURNOOL, LOCATED AT UCON PLAZA, NAVARANG THEATRE COMPLEX, 40-384, PARK RD, GANDHI NAGAR, KURNOOL, ANDHRA PRADESH 518001.

5. ICICI BANK LIMITED, REP BY ITS BRANCH MANAGER, ONGOLE, LOCATED AT S.NO 111-112- 101A-102A- JYOTHI PLAZA-KURNOOL ROAD, ONGOLE, PRAKASAM DISTRICT, ANDHRA PRADESH- 523001.

6. ICICI BANK PAY LATER CREDIT CARD, REP BY ITS MANAGER C/O ICICI BANK LIMITED BANDRA KURLA COMPLEX MUMBAI 400051 INDIA.

7. HDFC BANK LIMITED, REP BY ITS MANAGER, C/O. RETAIN LOAN SERVICE CENTRE, PT RAJAN, SALAI, KK NAGAR, CHENNAI, TAMIL NADU-600078. .

8. HDFC BANK CREDIT CARD, REP BY ITS MANAGER, C/O. HDFC BANK CARDS DIVISION, DOOR NO.94 SP, ESTATE BUS STAND, WAVIN MAIN ROAD, MOGAPPAIR WEST, CHENNAI, TAMIL NADU-600058

9. THE BAJAJ FINANCE, REP BY ITS CHIEF MANAGER, 6TH FLOOR, BAJAJ FINSERV CORPORATE OFFICE, PUNE, AHMEDNAGAR ROAD,VIMAN NAGAR, PUNE,MAHARASHTRA- 411014. 10.

10. THE YES BANK, REP BY ITS MANAGER, LOCATED IN MUMBAI, WITH A REGISTERED AND CORPORATE ADDRESS AT YES BANK TOWER, IFC 2, 15TH FLOOR, SENAPATI BAPAT MARG, ELPHINSTON (W), MUMBAI - 400013. ANOTHER REGISTERED ADDRESS IS YES BANK HOUSE, OFF WESTERN EXPRESS HIGHWAY, SANTACRUZ EAST, MUMBAI, MAHARASHTRA, 400055.

11. THE CHOLAMANDALAM INVESTMENT FINANCE COMPANY, REP BY ITS MANAGER, IS LOCATED AT CHOLA CREST, C54-55 SUPER B-4, THIRU-VI-KA INDUSTRIAL ESTATE, GUINDY, CHENNAI - 600032.

12. THE TATA CAPITAL FINANCIAL SERVICES LIMITED, REP BY ITS MANAGER, IS LOCATED AT 11TH FLOOR, TOWER A, PENINSULA BUSINESS PARK, GANPATRAO KADAM MARG, LOWER PAREL, MUMBAI - 400013.

13. THE FULLERTON INDIA CREDIT COMPANY LIMITED, REP BY ITS MANAGER, LOCATED 3RD FLOOR, NO. - 165, MEGH TOWERS,

PH ROAD, MADURAVOYAL, CHENNAI- 600 095.

14. THE AXIS BANK, REP BY ITS MANAGER, C/O CPU 1ST FLOOR, GIGAPLEX, PLOT.L.T 5, MIDC, AIROLIKENOWLEDGE PARK, AIROLI, NAVI MUMBAI-400708.

15. THE POONAWALA FINCORP, REP BY ITS MANAGER, IS LOCATED AT 201 AND 202, 2ND FLOOR, AP81, KOREGAON PARK ANNEX, MUNDHWA, PUNE, MAHARASHTRA 411036. 16.

16. THE POONAWALLA FINCORP, REP BY ITS BRANCH MANAGER, VIJAYAWADA, IS LOCATED AT DOOR NO.40, R.S. TOWER, 3RD FLOOR, 25-80/1 REVENUE WARD 13A, KURRA SATYANARAYANA STREET, GAYATRI NAGAR, BENZ CIRCLE, VIJAYAWADA, ANDHRA PRADESH 520010.

17. SBI CARDS PAYMENT SERVICES LTD, IS REPRESENTED BY THE MANAGER, DLF INFINITY TOWERS, TOWER C, 10TH-12TH FLOOR, BLOCK-2, BUILDING 3, DLF CYBER CITY, GURGAON - 122002, HARYANA, INDIA.

...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, particularly, one in the nature of a writ of Mandamus, declaring the actions of Respondent Nos. 3 and 17, in trying to recover the loan amounts from the petitioner by deploying recovery agents to the petitioners' residences and by making anonymous calls at odd hours, without following the guidelines issued Respondentby videCircularNo.RBI/2022-23/108, DOR.ORG.REC.65/21.04.158/2022-23, dated 12.08.2022, as illegal, arbitrary, and violative of Articles 14, 19, and 21 in Part III of the Constitution of India and also contrary to the Apex Court Judgment in ICICI Bank Ltd. vs. Prakash Kaur Others (2007)2 SCC 71, and consequently, direct RespondentNos. 3 to 17 to immediately stop sending recovery agents to the petitioners No. 2 residence and to strictly adhere to the Circular issued by Respondent No. 2, vide RBI/2022-23/108 DOR.ORG.REC.65/21.04.158/2022-23, dated 12.08.2022, while recovering any outstanding loans and to grant the sometime to the petitioners for repaying the borrowed amount 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 Pleased to direct Respondent Nos.3 to 17 not to take any coercive steps against the petitioner, including sending recovery agents to the petitioner's residence for loan recovery and pass order or orders in accordance with the law pending disposal of the above writ petition and to pass

Counsel for the Petitioner(S):

1. SANKE SANTHOSH

Counsel for the Respondent(S):

1. HEMADRI V S S R R CHANDRAKANTH
2. DASAM DURGA SHIVA SAI
3. BACHINA HANUMANTHA RAO (CENTRAL GOVT COUNSEL)
4. KUNUKU RAJA SEKHAR

ORDER

This Writ Petition is filed questioning the action of the respondent nos.3 to 17/banks in harassing the petitioners and their family members by sending loan recovery agents to the house of the petitioners, 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 Santhosh Sanke, learned counsel for petitioners, Sri B.M.Krishna Patibandla, learned Standing Counsel for Aditya Birla Bank and Sri Kunuku Rajasekhar, learned Standing Counsel for respondent nos.5,10 & 12, Sri Dasam Durga Shiva Sai, learned counsel for respondent no.9 and HVSSRR Chandrakanth, learned counsel for respondent nos.15 & 16.

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 8,14 & 17 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.9 to 13,15 & 16 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

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

respondent nos. nos.9 to 13,15 & 16 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 8,14 & 17 are not precluded to take steps in accordance with law for recovery of money, if any, payable by the petitioners. Further, the petitioners are at liberty to approach appropriate Forum for getting their grievance redressed against respondent nos. nos.9 to 13,15 & 16. 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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