APHC010677522025

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: 35031/2025

Between:

1. SHAIK MUNNA, SON OF SHAIK ABDUL JABBAR, AGED ABOUT 34 YEARS, RESIDENT OF D.NO 3-64, SAI NAGAR, GUNTUPALLI, IBRAHIMPATNAM MANDAL, KRISHNA DISTRICT.

...PETITIONER

AND

1. UNION OF INDIA, REP. BY ITS SECRETARY, MINISTER OF FINANCE, JEEVAN DEEP BUILDING, 3RD FLOOR, PARLIAMENT STREET, NEW DELHI - 110001.
2. RESERVE BANK OF INDIA, REP. BY ITS GOVERNOR, SANSAD MARG, NEW DELHI.
3. FEDERAL BANK ARNICA FINANCE PVT LTD, (JUPITER APP), REP. BY ITS AUTHORISED OFFICER, OFFICE AT ARNICA FINANCE PVT LTD, 3RD FLOOR, VIRAJ BUILDINGS, SV ROAD, KHAR WEST, MUMBAI 400052, MAHARASHTRA.
4. INDUS IND BANK LIMITED, REPTD.. BY ITS AUTHORISED OFFICER, OFFICE AT 8TH FLOOR, TOWER 1, ONE INDIABULS CENTRE, 841, SENAPATI BAPAT MARG, ELPHINSTONE ROAD (W), MUMBAI-400 013.
5. MOBIKWIK SYSTEMS LIMITED SMFG INDIA CREDIT, REP. BY ITS AUTHORISED OFFICER, OFFICE AT UNIT NO. 102, 1ST FLOOR, BLOCK-B, PEGASUS ONE, GOLF COURSE ROAD, SECTOR-53, GURUGRAM, HARYANA-122003.

6. TATA CAPITAL LIMITED, REP.BY ITS AUTHORISED OFFICER, OFFICE AT 11TH FLOOR, TOWER A, PENINSULA BUSINESS PARK, GANPATRAO KADAM MARG, LOWER PAREL, MUMBAI - 400013.

7. L AND T FINANCE LIMITED, REP.BY ITS AUTHORISED OFFICER, OFFICE AT 14TH 15TH FLOOR,PS SRIJAN TECH PARK, PLOT NO.52, BLOCK DN, SECTOR V, SALT LAKE CITY P.S BIDHA NAGAR, DISTRICT, 24 PARGANAS, KOLKATA - 700091.

8. PAYTM PAYMENTS BANK LIMITED, ,(ADITYA BIRLA FINANCE LIMITED), REP. BY ITS AUTHORISED OFFICER, OFFICE AT 18TH FLOOR, TOWER 1,ONE WORLD CENTRE, JUPITER MILL COMPOUND, 841, SENAPATI BAPAT MARG, ELPHINSTONE ROAD, MUMBAI -400 013.

9. BAJAJ FINSERV LIMITED, REP. BY ITS AUTHORISED OFFICER, OFFICE AT 4TH FLOOR, BAJAJ FINSERV CORPORATE OFFICE, OFF PUNE-AHMEDNAGAR ROAD, VIMAN NAGAR, PUNE-411 014.

10. HDFC BANK LIMITED, REP.BY ITS AUTHORISED OFFICER, OFFICE AT HDFC BANK CARD DIVISION, P.O.BOX 8654, L B ROAD, THIRUVANMIYUR, CHENNAI - 600041.

11. FEDERAL BANK LIMITED, REP. BY ITS AUTHORISED OFFICER, FINTECH PARTNERSHIPS DEPARTMENT, OFFICE AT INTEGRATED STARTUP COMPLEX, KSUM, HMT COLONY, KALAMASSERY, ERNAKULAM, KERALA - 683503.

12. IDFC FIRST BANK LIMITED REPTD, .. BY ITS AUTHORISED OFFICER, OFFICE AT BUILDING NO.09, 17 TH GIGAPLEX RAHEJA MINDSPACE IT-5, AIROLI, NAVI MUMBAI - 400708, MAHARASHTRA.

13. RBL BANK LIMITED, REP. BY ITS AUTHORISED OFFICER, OFFICE AT UNIT 306- 311, 3RD FLOOR, JMD MEGAPOLIS, SOHNA ROAD, SECTOR - 48, GURUGRAM- 122018, HARYANA.

14. AXIS BANK LIMITED, REP. BY ITS AUTHORISED OFFICER, OFFICE AT NPC1, 5TH FLOOR, GIGAPLEX, PLOT NO. I.T.5, MIDC, AIROLI KNOWLEDGE PARK, AIROLI, NAVI MUMBAI-400708.

15. STATE BANK OF INDIA, CUSTOMER CORRESPONDENCE UNIT. REP. BY ITS AUTHORISED OFFICER, OFFICE AT DLF INFINITY TOWERS, TOWER C, 12TH FLOOR, BLOCK 2, BUILDING 3, DLF CYBER CITY, GURUGRAM - 122002, HARYANA.

16. INDUS IND BANK LIMITED CREDIT CARDS DIVISION, REP. BY ITS AUTHORISED OFFICER, OFFICE AT P.O. BOX 9421, CHAKALA, MIDC, ANDHERI (E), MUMBAI- 400093.

17. ONE CARD BANK OF BARODA, CREDIT CARD LIMITED, REP. BY ITS AUTHORISED OFFICER, OFFICE AT BEHIND DIWAN SHOPPING CENTRE, 2NS AND 4TH FLOOR, BARODA HOUSE, S.V. ROAD, JOGESHWARI, MUMBAI-400102.

18. YES BANK, YES BANK TOWER, REP. BY ITS AUTHORISED OFFICER, OFFICE AT IFC - 2, 15TH FLOOR, SENAPATI BAPAT MARG, ELPHINSTONE (W), MUMBAI 400 013.

19. ICICI BANK LIMITED, ICICI BANK TOWERS, REP. BY ITS AUTHORISED OFFICER, OFFICE AT BANDRA-KURLA COMPLEX, MUMBAI 400 051.

20. MOBIKWIK CREDIT SERVICES, REP. BY ITS AUTHORISED OFFICER, OFFICE AT UNIT NO. 102, 1ST FLOOR, BLOCK-B, PEGASUS ONE,GOLF COURSE ROAD, SECTOR-53, GURUGRAM, HARYANA-122003.

...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 appropriate Writ, order direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the Respondents 3 to 20 in adopting illegal methods for recovery of amounts from the petitioner without following the due process of law as arbitrary, without jurisdiction, ex facie illegal and violative of Articles 19, 21 and 300-A of the constitution of India and to direct the respondents No.1 and 2 to take appropriate action against the Respondents 3 to 20 for violating the prescribed procedure of law in the matter of recovery of amounts allegedly due from the petitioner and consequently restrain the Respondents No.3 to 20 from adopting any illegal methods for recovery of amounts from the petitioner without following due process of law 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 restrain the Respondents No.3 to 20 from adopting any illegal, coercive, or extrajudicial methods for recovery of amounts from the petitioner without following due process of law pending disposal of the above Writ Petition and to pass

Counsel for the Petitioner:

1. KROVI LAKSHMI SUVARCHALA

Counsel for the Respondent(S):

1. B M KRISHNA PATIBANDLA
2. KUNUKU RAJA SEKHAR
3.

ORDER

This Writ Petition is filed questioning the action of the respondent nos.3 to 20/banks 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.Krovi Lakshmi Suvarchala, learned counsel for petitioner, Sri P.B.M.Krishna, learned Standing Counsel for Aditya Birla Bank and Sri Kunuku Rajasekhar, learned Standing Counsel for respondent no.19 bank.

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.4,10,12,14 to 16 & 19 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. 3, 5 to 9,11,13,17 & 18 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. 3, 5 to 9,11,13,17 & 18 is not maintainable and the petitioner is at liberty to pursue his remedies by approaching appropriate Forum.

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

7. Accordingly, the writ petition is ***disposed of.*** However, the respondent nos. 4,10,12,14 to 16 & 19 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. 3, 5 to 9,11,13,17 & 18 . 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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