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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 4735/2024

SH. ANUJ MALHOTRA

..... Petitioner

Through: Mr. Kunal Madan, Mr. Shyam Babu
and Mr. Rahul Matharu, Advocates

Versus

GOVT OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr. Satyakam, ASC for GNCTD

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Date of Decision: 02nd April, 2024

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

JUDGMENT

MANMOHAN, ACJ : (ORAL)

1. Present public interest petition has been filed seeking a direction to the Respondents to ban cross-gender massages in spas/massage centers. The Petitioner further prays for a direction to the Respondents to share the recordings of spas/massage centers with the Delhi Commission for Women on a regular basis.

2. Learned counsel for the Petitioner states that cross-gender massages are being carried out in various spas/massage centers in Delhi in violation of 'Guidelines for Operation of Spas/Massage Centers in Delhi dated 18th August, 2021 issued by the GNCTD (herein after referred to as the "Guidelines"). He emphasizes that in accordance with clause 2(b) of the



Guidelines, cross-gender massages are prohibited in spas/massage centers in Delhi. He further states that such massages are being provided in locked rooms in violation of clause 2(d) of the Guidelines. He avers that cross-gender massages have led to operation and proliferation of illegal prostitution.

3. Learned counsel for the Petitioner states that the Petitioner has received no response to the various complaints/representations including representation dated 19th February, 2024 addressed to the SHO of Police Station-Karol Bagh, Delhi with respect to illegal operation of various spa parlours in Karol Bagh, New Delhi.

4. A perusal of the paper book reveals that a challenge to the validity of the said Guidelines issued by GNCTD by way of Notification dated 18th August, 2021 is pending consideration before a learned Single Judge of this Court. It is pertinent to mention that the learned Single Judge in W.P.(C) No. 9627/2021 and connected matters vide order dated 16th December, 2021 has observed as under:-

“17. It is accordingly directed that till the next date, the operation of Clause 2(b) of the policy dated 18.08.2021, and all similar Clauses in the policies issued by the three Corporations would remain stayed. However, the matter does not end here, and this Court cannot turn a blind eye to the facts which have been brought to the notice of this Court. It is therefore, directed that all the three Corporations and the Delhi Police will carry out inspections in their respective areas within one week from today and take the necessary steps to ensure that no Spa is permitted to run without a valid licence. The Delhi Police will also inspect all the licenced Spas and take steps for registration of cases against them in case any illegal activity is found to be carried out in these Spas. Immediate information about any such illegality also will be provided to the respective corporation so that appropriate steps for suspension/cancellation of their licences can be taken in accordance with law. A report, containing details of the steps taken in this regard be filed before this Court within two weeks by the respective Commissioners of three Corporations as also by the Commissioner of Delhi Police.”



5. Since the learned Single Judge is already seized of the controversy, this Court is of the view that the present public interest cannot be entertained. Accordingly, the present petition is dismissed.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

APRIL 2, 2024/rhc