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Writ Petition (IPD) No.36 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2025

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition (IPD) No.36 of 2025

and

W.M.P.(IPD) No.26 of 2025

Kannan Gopalakrishnan

.... Petitioner

Vs.

1.Controller of Patents

The Patent Office, Chennai,
Intellectual Property Building,
G.S.T.Road, Guindy,
Chennai – 600 032.

2.Assistant Controller of Patents & Designs,

The Patent Office, Delhi
Boudhik Sampada Bhawan,
Bus Stop, Pocket 1,
Sector 14 Dwarka, Dwarka,
New Delhi, Delhi, 110 078.

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records of the second respondent relating to the Patent Application No.202047033549, quash the order dated 16.06.2025 passed by the second respondent in the review petition filed by the petitioner and direct the second respondent to grant reasonable opportunity to the petitioner to be heard.



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For Petitioner : Ms.N.Lavanya
for Mr.E.C.Ramesh
For Respondents : Mr.K.Gangadaran
Central Government Standing Counsel

ORDER

This writ petition has been filed challenging the proceedings of second respondent dated 16.06.2025, dismissing the review petition filed by petitioner and for a direction to second respondent to grant reasonable opportunity to the petitioner and to take a decision on the patent application submitted by petitioner.

2. Heard learned counsel for petitioner and learned Central Government Standing Counsel appearing for respondents.

3. The case of petitioner is that he filed a patent application titled as 'Solar Supplemental Power Source'. This application was filed before the first respondent on 05.08.2020. The same was acted upon and examination report was also filed. Ultimately, the second respondent scheduled the hearing and by an order dated 07.11.2024, the application came to be rejected since it did not meet the requirement under Section 3(a) of the Patents Act, 1970 [for brevity 'the Act'] and therefore, there



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was no need to proceed further under the provisions of Section 15 of the Act.

4. The petitioner filed an application seeking review of the order passed by second respondent under Section 77(1)(f) and 77(1)(g) of the Act r/w Rules 130(1) and 130(2) of the Patents Rules. Along with the application, the petitioner also filed a document titled 'Status for Patent Application' which contained the link to the video clips of the accomplished implementations and links to access prototype available for demonstration.

5. The grievance of petitioner is that second respondent even without fixing any hearing date and without affording opportunity to the petitioner proceeded to reject the review application by order dated 16.06.2025. Aggrieved by the same, the present writ petition has been filed before this Court.

6. This Court carefully considered the submissions made on either side and materials available on record.



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7. The main ground urged on the side of petitioner is that the patent rights are valuable rights and the rejection or refusal of the patent application cannot take place without affording sufficient opportunity of fair hearing to petitioner. According to petitioner, the review application was rejected without affording any opportunity to petitioner.

8. Learned counsel for respondents submitted that even on a cursory reading of the order passed in the review, it is seen that repeated opportunities were given to petitioner and in spite of the same, the petitioner was not able to make out a ground for review and therefore, there is absolutely no ground to interfere with the order passed by second respondent in the review application.

9. On a careful reading of the order dated 07.11.2024, it is seen that the agent of the petitioner was claiming that the invention discloses a prime mover, preferably an electro-mechanical device with an end goal for generating electricity, which can operate even when the sun light based solar energy is not available. It comprises a wheel structure imparted with multiple arms and arms loads along with the feeder box to cycle through the side tank. The feeder box regulates the arm movement



within the feeder box using the treaded guides. Due to the buoyant and gravitational forces the unbalanced arm loads cause the imbalance in the wheel structure and rotate the entire wheel structure along the guided track. This prime mover can be used primarily for generating electricity by connecting it to an electrical generator.

10. The second respondent found that the so-called invention appears to be an invention, which is frivolous or which claims anything obviously contrary to the well established natural laws and therefore, it does not meet the criteria for patent. Accordingly, by applying Section 3(a) of the Act, the application was rejected.

11. The petitioner had filed review application mainly on the ground that prototype is available and the same can be demonstrated to establish whatever was claimed by the petitioner in the patent application. Strictly going by the provisions of the rules relied upon, it is seen that the principle under Order 47 Rule 1 CPC has to be applied while dealing with a review application. As such, this Court is not able to find any error apparent on the face of the order passed by second respondent on 07.11.2024. Apart from that, when the said order was passed, opportunity



was also given to the petitioner. The same has been taken note in the impugned order passed by second respondent on 16.06.2025.

12. The petitioner is now claiming that prototype is available for demonstration and petitioner will be able to demonstrate before second respondent the working of the machinery and therefore, the petitioner is only seeking an opportunity to demonstrate his invention. In view of the same, this Court is inclined to grant one opportunity to petitioner considering the fact that the petitioner has applied his mind in inventing a product and sufficient opportunity is given to demonstrate such invention before the competent authority.

13. In view of the above, the petitioner is directed to have the prototype available for demonstration before second respondent within a period of four (4) weeks from the date of receipt of a copy of this order. The second respondent shall permit the petitioner to demonstrate the working of the prototype and ultimately, take a decision within a period of four (4) months after completion of demonstration by the petitioner and a reasoned decision shall be taken. This order is passed more on the ground of equity by exercising discretion under Article 226 of the



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Constitution of India to ensure that an invention made does not go waste and all possible opportunities are given to sustain such an invention.

This writ petition is disposed of in the above terms. No costs.

Consequently, connected miscellaneous petition is closed.

18.12.2025

NCC:Yes/No
gm

To

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N.ANAND VENKATESH, J.

gm

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