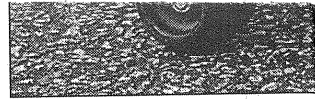


taught *Mad Max* many tricks, but his pooch loves this one best.

- Pictures: CRAIG BORROW



6/9/11

# Top lawyer in Black Saturday stand-off Council claim inflames me

Mark Dunn

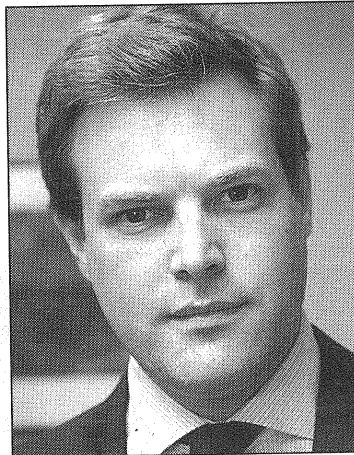
TOP criminal lawyer Alastair Grigor lost his country home in the Black Saturday fires, but claims the local council is now refusing to pay up to \$40,000 compensation for a public road which was laid through part of his property without permission.

Mr Grigor, who has worked in some of the state's highest-profile criminal trials, told the *Herald Sun* the City of Whittlesea had dragged out delivering on its compensation promise before claiming a legal right, under adverse possession, to take his Kinglake West property.

The property is in Coombs Rd, the same road where retired TV newsreader Brian Naylor and his wife lost their lives.

Mr Grigor said it was despicable the council was playing hardball on a promise it made before the fires and before the council lost a landmark case last week to another family it had fought over adverse possession.

"Council is aware that seven people died on Coombs Road alone ... that all properties on the southern aspect of the road, Brian Naylor's property and my property were hit the hardest, some would



Wrangle: Alastair Grigor.

argue the hardest in the district," Mr Grigor said.

He said Whittlesea council had, more than 15 years ago and without properly surveying residential boundaries, laid down an asphalt road over part of the property he purchased several years ago without knowing his boundary had been crossed by the road.

Mr Grigor said although the council's engineering services department had told him as recently as May 15 that compensation

would be paid, the minimum 15 years for adverse possession had now kicked in and the council was refusing to budge.

He said since the fires, and with confusion over boundaries and destroyed fencing, his property had been looted and vandalised because of the lack of security.

"Council knew of the absence of security, and knew my property had been razed to the ground. All I received from council was a lack of communication and prevarication," he said.

Whittlesea council claims the road was constructed about 20 years ago, meaning its right to claim the land under adverse possession kicked in five years ago and that Mr Grigor purchased the land in 2007, well after the road was in place.

"In accordance with the common law principle of 'caveat emptor' or 'let the buyer beware', you have taken title to the property subject to the existing public rights of way encumbering part of your land," a letter from the council's lawyers to Mr Grigor states.

Despite a September 7 letter from Whittlesea council's own lawyers suggesting otherwise, council chief executive David Turnbull denied adverse possession was a factor and said compensation was a matter of continuing negotiation.