

Hookah bar land-grabber jailed as neighbour smokes him out

Tom Harper

HOME AFFAIRS CORRESPONDENT

DISPUTES with troublesome neighbours are usually triggered by loud music, noisy building works or the odd overhanging tree.

But William Orenstein had to deal with something altogether more serious when a neighbour smashed through his wall in Fulham, west London, and set up a hookah bar in his backyard. Solaman Pradhan then refused to leave the 28ft by 15ft patch of land and claimed it as his own using squatters' rights.

Orenstein, the director of an investment management company, complained to the police, who told him it was a civil matter, requiring him to spend hundreds of thousands of pounds reclaiming his property through the courts.

During the civil proceedings, Pradhan, 50, falsely claimed to the Land Registry that he had used the backyard for 12 years.

After winning his case and hearing Pradhan's lies, Orenstein referred him to the police and the Crown Prosecution Service (CPS), but lawyers concluded "there was no realistic prospect of conviction" and that a criminal prosecution was not in the "public interest".

Angry at their decision, Orenstein decided to prosecute Pradhan himself, spending a further £160,000 on a private criminal prosecution. It ended last week with Pradhan being given a nine-month prison sentence after being found guilty of fraud and perverting the course of justice.

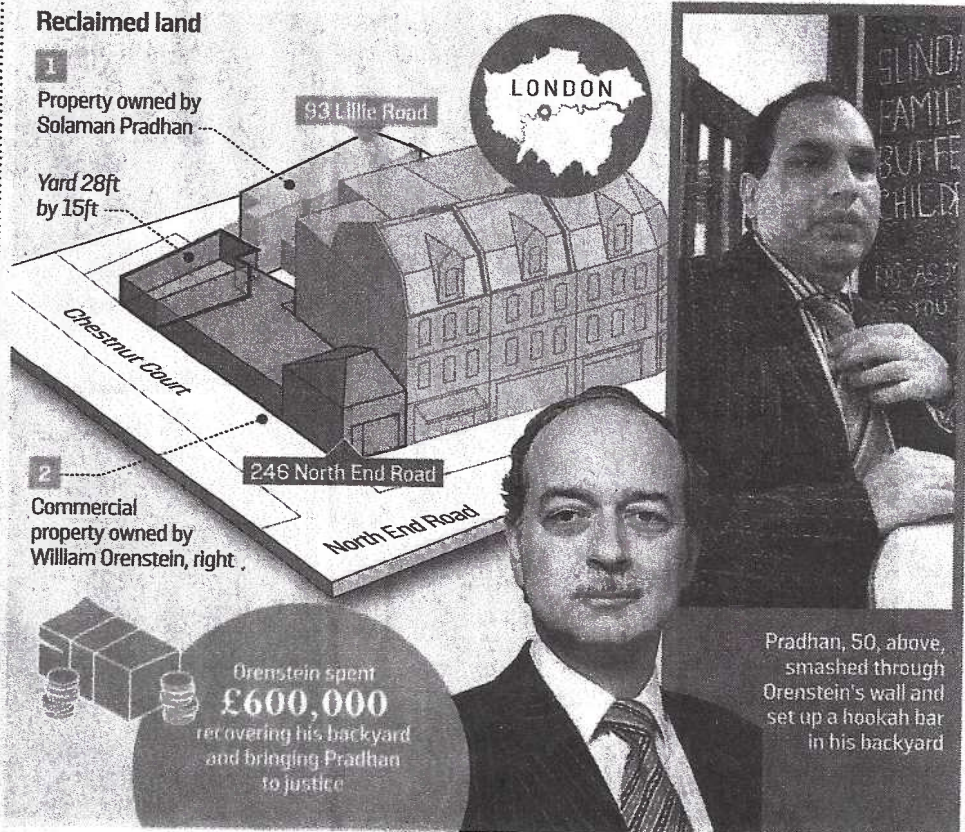
"One needed a hell of a constitution to deal with this case . . . The money I have had to spend on it to obtain justice is more than many people would accumulate in a lifetime," said Orenstein.

Reclaimed land

1 Property owned by Solaman Pradhan

Yard 28ft by 15ft

2 Commercial property owned by William Orenstein, right



Pradhan, 50, above, smashed through Orenstein's wall and set up a hookah bar in his backyard

The ordeal began in March 2011 when Orenstein's tenant, who ran a nail bar from the commercial property in North End Road, returned from holiday to find Pradhan had smashed through the back wall of his adjacent property and set up a hookah bar in the backyard.

Once litigation to regain the property had begun, Pradhan repeatedly lied in statements to the courts, claiming he had enjoyed "complete and uninterrupted occupation" of the disputed land since 1998, which made it his under the law of adverse possession.

Facing CPS inaction, Orenstein brought a private prosecution, based largely on evidence gathered by his wife. "She worked five or six hours a day, every day, on the

case . . . It was clear the CPS lawyers dealing with the case could not understand it," he said.

Orenstein instructed Kate McMahon, of Edmonds Marshall McMahon solicitors, to mount the private prosecution. She said: "Our client, a hardworking and principled man, has suffered significant financial cost and stress due to the defendant's greed and dishonesty."

Orenstein spent more than £600,000 on the various legal proceedings. At Pradhan's sentencing at Southwark crown court last week, the judge said he had "suffered considerable expenditure of money and time in dealing with this case".

While the verdict is a relief, Orenstein is angry about his

treatment by the police and the CPS. "I'm happy I went down this path, but I admit I do have the luxury of being able to indulge my principles," he said. "There were wider civic concerns . . . that raised questions over the authorities' ability to deal with people who twist and abuse the system."

The Met said: "The CPS advised that this matter had been heard in the civil courts, and subsequently decided that there was no realistic prospect of conviction."

The CPS said Orenstein had gathered "significantly more detailed and extensive" evidence by the time he took his prosecution. The Land Registry said it had "no enforcement powers" to tackle some types of dispute.